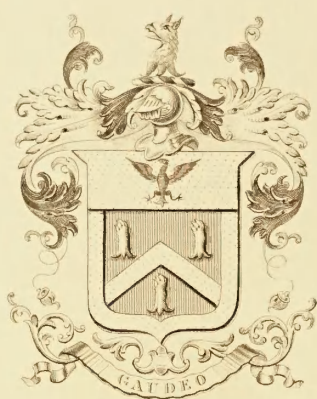






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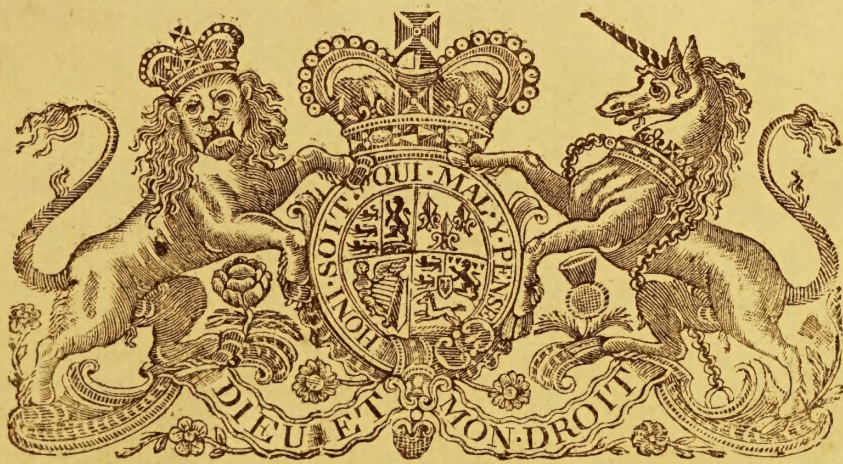
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A C T S  
OF THE  
LEGISLATURE  
OF THE ISLAND OF  
*T O B A G O;*

From 1768, to 1775, inclusive.



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L O N D O N:

Printed by CHARLES EYRE and WILLIAM STRAHAN,  
Printers to the King's most Excellent Majesty. 1776.







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# C O N T E N T S

OF THE

## L A W S of T O B A G O.

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### C A P. I.

*AN Act for the good Order and Government of Slaves, and for keeping them under proper Restraint; for establishing the Method of Trial in Capital Cases; and other Regulations for the greater Security of that Part of the Inhabitants Property,* Passed in 1768, and repealed by an Act passed in 1775, Cap. 32. Page 1

### C A P. II.

*An Act to ascertain the Rate of Interest, and for settling the Damages on Bills of Exchange legally protested,* Passed in 1768. *ibid.*

### C A P. III.

*An Act for establishing and regulating a Register's Office in this Island,* 3 Passed in 1768.

### C A P. IV.

*An Act declaring Slaves, Mules, Boilers, Stills, and Still-Heads, and other Plantation Utensils, belonging to Mills, Boiling-Houses, and Still-Houses, to be real Estate,* Passed in 1768. 7

### C A P. V.

*An Act to prevent undue frequenting of Taverns and Tippling Houses, and to restrain all Persons not licensed from selling by Retail Rum, or any other spirituous or fermented Liquors, and to prevent the clandestine Importation of the same,* Passed in 1768. 8



## C A P. VI.

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## C A P. VII.

Passed in 1769, and repealed by an Act passed 1775, Cap. 31. *An Act for establishing a Court of Common Pleas, and a Court of Error within this Island, and declaring also the Method and Manner of Proceeding to Judgement and Execution,* 12

## C A P. VIII.

Passed in 1770. *An Act to enable Artificers, Labourers, Servants, and poor Settlers, to recover Debts in a summary Way,* *ibid.*

## C A P. IX.

Passed in 1770. *An Act for appointing an Agent to negotiate the Affairs of this Island in Great Britain, appointing a Recompence for his Trouble, and settling Methods for the better Management of that Trust,* 14

## C A P. X.

Expired. *An Act for raising a Sum of Money for improving the publick Roads, for discharging the publick Debts of this Island, and to answer other necessary Purposes,* 16

## C A P. XI.

Expired. *An Act for the Application of a Sum of Money appropriated for the making, altering, repairing, and enlarging the publick Roads, and to appoint proper Persons to direct and lay out the same,* *ibid.*

## C A P. XII.

Expired. *An Act to enable the Commissioners appointed in and by an Act of this Island, passed in the Tenth Year of the Reign of His present Majesty, intituled, An Act for the Application of a Sum of Money appropriated for the making, altering, repairing, and enlarging the publick Roads, and to appoint proper Persons to direct and lay out the same, to execute the Duties and Offices therein prescribed,* *ibid.*

## C A P. XIII.

A private Act. *An Act to vest the Fee Simple, and Inheritance of, in all that certain undivided Moiety late of William Williams, late of the Island of Grenada, Merchant, deceased, of and in Two certain Plantation Lots or Parcels*



# C O N T E N T S.

v

*Parcels of Land, distinguished by the Denominations of Lot Number Twenty-eight, and Lot Number Twenty-nine, of Sandy Point Division, now called the Parish of St. Patrick, in this Island; and also the like undivided Moiety of the Buildings thereon erected, and of Eighteen Slaves thereto belonging, in William Sloane, of the said Parish of St. Patrick, in this Island, Esq; and his Heirs and Assigns for ever,*

Page 16

## C A P. XIV.

*An Act for repealing such Part of the Seventh Clause of an Act of this Island, intituled, An Act for raising a Sum of Money for improving the publick Roads, for discharging the publick Debts of this Island, and to answer other necessary Purposes, as appropriates that Part of the Money raised by virtue of the said Act for making, altering, repairing, and enlarging the publick Roads of this Island, and for applying the said Money for discharging the Expences incurred by the late Insurrection of the rebellious Slaves,*

Passed in 1771.  
Expired.

17

## C A P. XV.

*An Act for establishing and regulating a Militia in this Island, ibid.*

Passed in 1771.  
Expired.

## C A P. XVI.

*An Act for raising a Sum of Money by a Tax upon Lands in this Island, subject to the Deduction specified, and for applying the same for the Discharge of the publick Debts and Exigences of the Colony,*

Passed in 1772.  
Expired.

ibid.

## C A P. XVII.

*An Act for altering and amending the Fourth Clause of an Act, intituled, An Act for establishing and regulating a Militia in this Island,*

Passed in 1772.

ibid.

## C A P. XVIII.

*An Act for the Application of a Sum of Money appropriated for the making, altering, repairing, and enlarging the Publick Roads, and to appoint proper Persons to direct and lay out the same,*

Passed in 1772.

19

## C A P. XIX.

*An Act for continuing the Establishment of a Militia in this Island, and for making Regulations with regard to the Order, Discipline, and good Government thereof,*

Passed in 1773.

25

b

C A P.



## C A P. XX.

Passed in 1773. *An Act to regulate the Method of conducting Roads from the interior Plantations to Church and Market,* Page 35

## C A P. XXI.

Passed in 1773, and repealed in 1775. Vide Cap. 31. *An Act to continue and amend an Act, intituled, An Act for establishing a Court of Common Pleas, and a Court of Error, within this Island; and declaring also the Method and Manner of proceeding to Judgement and Execution,* 37

## C A P. XXII.

Passed in 1773. *An Act to constitute a Court-Merchant,* ibid.

## C A P. XXIII.

Passed in 1773. *An Act to establish a Court of Quarter Sessions in this Island,* 40

## C A P. XXIV.

Passed in 1773. *An Act to provide for the Maintenance and Support of the Widow and Children of Russel Chapman, Gentleman, late Adjutant of the Battalion of Militia in this Island,* ibid.

## C A P. XXV.

Passed in 1773. *An Act to explain and amend an Act of this Island, intituled, An Act for establishing and regulating a Register's Office in this Island,* 41

## C A P. XXVI.

Passed in 1773. *An Act for regulating Trespasses,* 42

## C A P. XXVII.

Passed in 1773. *An Act to appoint proper Persons to take Charge of the Batteries intended to defend the Bays of this Island, and for the Service of the same,* 45

## C A P. XXVIII.

Passed in 1773. *An Act for appropriating the Tax upon unsettled Town Lots to the Use and Improvement of the respective Towns where levied, and to appoint proper Persons for applying and directing the same,* 46



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# C O N T E N T S.

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vii

## C A P. XXIX.

*An Act for raising a Sum of Money for Payment of the Publick Debts and Contingent Charges of this Island; for making new Roads of Communication through the unsettled Parts of the Country, and for improving those already begun,* Passed in 1774.  
Expired.  
Page 48

## C A P. XXX.

*An Act to appoint proper Persons to superintend the laying-out, directing, and repairing of the Publick Roads of this Island; and to apply a Sum of Money appropriated by an Act of this Year, intituled, An Act for raising a Sum of Money for Payment of the Publick Debts and Contingent Charges of this Island; and for making new Roads of Communication through the unsettled Parts of the Country, and for improving those already begun,* Passed in 1774.  
*ibid.*

## C A P. XXXI.

*An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions, for the better regulating and settling Methods for the Administration of Justice, and for the more effectual Support of Credit,* Passed in 1775.  
51

## C A P. XXXII.

*An Act for the good Order and Government of Slaves; and for repealing an Act of this Island, intituled, An Act for the good Order and Government of Slaves, and for keeping them under proper Restraint; for establishing the Method of Trial in capital Cases; and other Regulations for the greater Security of that Part of the Inhabitants Property,* Passed in 1775.  
107

## C A P. XXXIII.

*An Act for establishing a Court of Chancery in this Island,* 119 Passed in 1775.

T H E



THE HISTORY OF THE  
CITY OF BOSTON

FROM THE FIRST SETTLEMENT  
TO THE PRESENT TIME

BY  
JOHN HUTCHINGS  
OF THE BOSTON BAR

IN TWO VOLUMES.  
VOL. I.

LONDON:  
PRINTED BY J. JOHNSON, ST. PAULS CHURCH-YARD, 1734.

1734





T H E  
L A W S  
O F  
T O B A G O.



C A P. I.

*AN Act for the good Order and Government of Slaves, and for keeping them under proper Restraint; for establishing the Method of Trial in Capital Cases; and other Regulations for the greater Security of that Part of the Inhabitants Property.*

Cap. 1.

Passed in 1768, and  
repealed by an Act  
passed in 1775, Cap.  
32.



C A P. II.

*An Act to ascertain the Rate of Interest, and for settling the Damages on Bills of Exchange legally protested.*

Cap. 2.

Passed in 1768.

**H**IS Majesty having been graciously pleased, by Letters Patent under the Great Seal of Great Britain, by which the Government of the Islands of Grenada, the Grenadines, St. Vincent, Dominica, and Tobago is constituted, and by His Royal Proclamation, bearing Date the Seventh Day of October, in the Year of our Lord One thousand seven hundred and Sixty-three, to establish and confirm to this Colony the Laws and Statutes of Great Britain, until the State and Circumstances thereof rendered it convenient to compleat a Legislature therein by an Assembly of Representatives: And whereas the Rate of Interest established in Great Britain may not be thought sufficient

Preamble.

B

cient



1768.  
Cap. 2.

8 l. per Cent. Interest.

Contracts for above  
8 l. per Cent. void.

Forfeiture;

Procuration 5 s. per Cent.

3 s. for the Bond.

Forfeitures.

cient to induce Merchants, or other Persons, to lend and advance such Sums of Money as the Inhabitants of this Colony may require, for the more speedy and effectual Improvement of their Estates; to the End, therefore, that Persons possessed of Money may be encouraged to lend, and the Colony in general be more speedily improved by the Use thereof, Be it enacted and ordained, by Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief for the Time being of Your Majesty's Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *St. Vincent*, *Dominica*, and *Tobago*, and the Council and Assembly of this Your Majesty's Island of *Tobago*, and it is hereby enacted and ordained by the Authority of the same, That it shall and may be lawful to and for all and every Person or Persons, One Month after the Publication of this Act, to take, accept, and receive, upon any Contract which shall be made One Month after the Publication of this Act, for Loan of any Money, Wares, Merchandises, or other Commodities whatsoever, the Value of Eight Pounds for the Forbearance of One hundred Pounds for One Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time.

II. AND be it further enacted and ordained by the Authority aforesaid, That no Person or Persons whatsoever, one Month after the Publication of this Act, upon any Contract which shall be made One Month after the Publication of this Act, take, directly or indirectly, for Loan of any Money, Wares, Merchandises, or other Commodities whatsoever, above the Value of Eight Pounds for the Forbearance of One hundred Pounds for One Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts, and Assurances whatsoever, made after the Time aforesaid, for Payment of any Principal, or Money to be lent, or covenanted to be performed, upon or for any Usury, whereupon or whereby there shall be reserved or taken above the Rate of Eight Pounds in the Hundred as aforesaid, shall be utterly void; and that all and every Person or Persons whatsoever, who shall, after the Time aforesaid, upon any Contract to be made, One Month after the Publication of this Act, take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Chevi-fance, Shift, or Interest of any Wares, Merchandises, or other Thing or Things whatsoever, or by any deceitful Way or Means, or by any Covin, Engine, or deceitful Conveyance, for the Forbearance or giving Day of Payment for One whole Year of and for their Money or other Things, above the Sum of Eight Pounds for the Forbearance of One hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time, shall forfeit and lose for every such Offence the Treble Value of the Money, Wares, Merchandises, and other Things so lent, bargained, exchanged, or shifted.

III. AND be it further enacted by the Authority aforesaid, That all and every Scrivener and Scriveners, Broker and Brokers, Solicitor and Solicitors, Driver and Drivers of Bargains for Contracts, who shall, One Month after the Publication of this Act, take or receive, directly or indirectly, any Sum or Sums of Money, or Reward, or Things for Brokerage, soliciting, driving, or procuring the Loan, or Forbearing of any Sum or Sums of Money, over and above the Rate or Value of Five Shillings for the Loan or Forbearing of One hundred Pounds for a Year, and so rateably; or above Three Shillings current Money of this Island for making or renewing the Bond or Bill for Loan or Forbearing thereof, or for any counter Bond or Bill concerning the same, shall forfeit for every Offence Thirty Pounds current Money of this Island, with Costs of Suit, and suffer Imprisonment for Half a Year; and One Moiety of all



the aforesaid Forfeitures to be to the Prosecutor, the other to the King's Most Excellent Majesty, His Heirs and Successors, to be paid into the Hands of the Treasurer of this Island for the Time being, for the publick Uses thereof; to be recovered in the Courts of King's Bench and Common Pleas, or Exchequer, to be held for this Island, or before Justices of the Peace in their Sessions, or before Justices of Oyer and Terminer, or Justices of Gaol Delivery within this Island, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Wager of Law, or Protection shall be allowed.

1768.  
Cap. 2.

IV. AND be it further enacted and ordained by the Authority aforesaid, That when any Bill or Bills of Exchange hath been, or shall be returned legally protested in *Great Britain*, or elsewhere in *Europe*, to the Prejudice of any Merchant or Trader, or other Person whatsoever, it shall and may be lawful to and for any Person so aggrieved or damaged thereby, to commence any Action upon the Case against the Drawer or Indorser of such Bill or Bills of Exchange, and shall recover upon such Action Interest after the Rate already limited and expressed in this Act, and also Damages at and after the Rate of Ten Pounds for every Hundred Pounds, together with the Expence of noting and protesting; the Interest to be computed from the Day of the Protest of the said Bill, until the same shall be recovered and satisfied.

Bills of Exchange returned with Protest,

How recoverable.

8 l. per Cent. Interest.

10 l. per Cent. Damages, with Expences of noting and protesting.



### C A P. III.

*An Act for establishing and regulating a Register's Office in this Island.*

Cap. 3.

Passed in 1768.

WHEREAS the Purchasers of Plantations in this Island have, and may have, Occasion to borrow large Sums of Money for the Improvement thereof, and whereas Lands and Tenements may be so secretly transferred from one to another, that such as are ill-disposed may commit Frauds, by which such Persons who have generally lent and advanced their Money on Security of such Estates, may be utterly ruined by prior and secret Conveyances and fraudulent Incumbrances; for Prevention thereof, be it enacted, by Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of the Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *Tobago*, *Dominica*, and *St. Vincent*, and by the Council and Assembly of Your Majesty's Island of *Tobago*, and it is hereby enacted by the Authority aforesaid, That from and immediately after the Publication of this Act, all Deeds, Conveyances, and other Instruments of Writing relating to, and whereby any Lands or Tenements in the said Island of *Tobago*, may be any Ways affected, either in Law or Equity, shall be duly entered and recorded in the Register's Office of the said Island of *Tobago*, within Two Months after the making and executing the same; and all such Deeds so passed and not recorded in the Time aforesaid, shall be utterly void to all Intents, Constructions, and Purposes, and not pleadable in any Courts of Law or Equity in this Island, or elsewhere, provided such Deeds or Conveyances be made in the said Island of *Tobago*; but if such Deed or Conveyance shall be made and executed in any of the neighbouring Islands, then the same shall be recorded in Six Months; and in *North America*

Preamble.

Deeds, Conveyances, &c. to be recorded within 2 Months after executing the same.

Proviso.

Deeds, &c. executed in other Islands, &c. in what Time to be recorded.



1768.  
Cap. 3.

Exception.

Deeds, Conveyances, &c.  
made in this Island, how  
to be executed.

Deeds, &c. made and  
executed out of this  
Island, how to be proved.

Provisos relating to Femmes  
Coverts.

Wills no Evidence till  
proved and recorded.

*America* within Nine Months; and if in the Island of *Jamaica*, or any Part of *Europe*, within Fifteen Months after the making and executing thereof; and if not recorded in the Time aforesaid respectively, shall be utterly void, to all Intents, Constructions, and Purposes whatsoever, and not pleadable in any Court or Courts of Law or Equity in this Island, or elsewhere; unless such Deed or Conveyance made in the neighbouring Islands, *North America*, *Jamaica*, or *Europe*, be lost at Sea, or otherwise intercepted, within the said Time, and that such Interception or Loss be made out by sufficient Authority, Certificates, or Evidences.

II. PROVIDED always, That such Deed, Conveyance, or other Instrument of Writing, if made in the said Island of *Tobago*, shall be executed in the Presence of at least Two credible Witnesses, and acknowledged before any Judge of the Courts of King's Bench or Common Pleas, or before any Baron of the Court of Exchequer, or before any of the Members of his Majesty's Council for the said Island, or before the Register of Deeds for the said Island, by the Party or Parties thereto, to be his, her, or their free and voluntary Act and Deed; or proved by the Oath of one of the subscribing Witnesses to the said Instrument of Writing before any of the Judges, Barons, or Members of his Majesty's Council aforesaid, and indorsed on the said Deed, that the Party or Parties thereto, did seal and deliver the same as his, her, or their free and voluntary Act and Deed, in the Presence of himself and the other Witness or Witnesses thereto; and if the said Deed, Conveyance, or other Instrument of Writing, shall be made and executed in *Great Britain*, *Ireland*, or any other of His Majesty's Dominions, the same shall be in like Manner acknowledged or proved before the Chief Magistrate of any City or Town Corporate in the Kingdom of *Great Britain* or *Ireland*, or before any Resident Governor or Commander in Chief of any of His Majesty's Colonies or Plantations, and transmitted to this Island under the Seal of the said Corporation, or under the Great Seal of the said Colony or Plantation respectively.

III. AND provided also, That if any Feme Covert be a Party to any such Deed, Conveyance, or other Instrument of Writing, she shall first be privately examined before one of the said Judges, Barons, or Members of Council, or before such Chief Magistrate, or Resident Governor, or Commander in Chief, who is hereby required and requested to explain to her what she is to convey by the said Writing, and for what Estate; and doth, on such private Examination, acknowledge and confess that she makes and executes the same without any Threats, Compulsion, Dread, or Fear of her Husband, but of her own free and voluntary Will; and such private Examination shall in like Manner be indorsed on the said Deed, and attested by such Judge, Baron, Member of Council, Chief Magistrate, or Resident Governor, or Commander in Chief; and the said Deed, Conveyance, or other Instrument of Writing, being recorded in the said Register's Office, shall be as good and effectual in Law, as if the same was passed by Way of Fine and Recovery before any Judge or Judges in *Westminster-Hall*, or otherwise; and shall be sufficient to bar such Feme Covert, and all Persons claiming or to claim under her, of and from all Estate, Right, Title, Claim, or Interest whatsoever, either in Law or Equity, saving and excepting only such Claim or Interest as in and by the said Deed or Conveyance shall or may be reserved on the Part and for the Use and Benefit of such Feme Covert.

IV. AND be it, and it is hereby enacted by the Authority aforesaid, That no Will, wherein or whereby any Estate in or of Lands and Tenements



nements shall hereafter be devised, shall be allowed to be pleaded, or admitted as or for Evidence in any Court of Law or Equity, until the same be duly proved before the Governor in Chief, or other Person having Power to take Probate of Wills, and recorded in the said Register's Office.

1768.  
Cap. 3.

V. AND, to prevent Disputes concerning the taking the Probate of Wills that may heretofore have been made and proved, be it, and it is therefore enacted by the Authority aforesaid, That all Probates of Wills, heretofore made and taken before any Magistrate whatsoever, shall be held, esteemed, reputed, deemed, and taken to be as good and valid, to all Intents and Purposes whatsoever, as if the same had been proved before the Ordinary, or as if the said Wills, or any of them, had been made in *England*, and proved in the Prerogative Court of *Canterbury*.

Probate of Wills that may heretofore have been made, to be valid.

VI. AND be it, and it is hereby enacted by the Authority aforesaid, That Copies of all such Wills, Deeds, Conveyances, or other Instruments of Writing, that shall be so entered and recorded in the Register's Office, and duly attested by the Register, or his lawful Deputy for the Time being, shall be allowed and permitted to be pleaded, and be as good Evidence as if the Original was then and there exhibited.

Copies of Wills, &c. attested by Register, good Evidence.

VII. AND whereas several Persons, from Motives of Prudence and Justice, have already recorded Wills, Deeds, Conveyances, Mortgages, and other Instruments of Writing, in the Hope that the Legislature would make the same effectual, be it, and it is hereby enacted by the Authority aforesaid, That all Wills, Deeds, Conveyances, Mortgages, and all other Instruments of Writing, which have been already recorded in the Register's Office, provided the same have been first acknowledged or proved before any Magistrate or Justice of the Peace, and Feme Coverts, where any have been Parties to the said Instruments of Writing, privately examined in the Manner appointed to be done by this Act, the same shall be held, esteemed, reputed, deemed, and taken to be well and sufficiently recorded, within the Intent and Meaning of this Act, and the Registers thereof are hereby declared Publick Records; and Copies of all such Wills, Deeds, Conveyances, Mortgages, and all other Instruments of Writing, which have been so entered and recorded as last mentioned, duly attested by the Register, or his lawful Deputy for the Time being, shall be allowed and permitted to be pleaded, and be as good Evidence as if the Original was then and there produced.

Wills, Deeds, &c. already recorded, &c.

Deemed sufficiently recorded.

Copies of the same, attested by the Register, good Evidence.

VIII. AND, to prevent all Disputes about the Priority of the said Deeds, Conveyances, or other Instruments of Writing, be it, and it is hereby enacted by the Authority aforesaid, That the Register, or his lawful Deputy for the Time being, shall, immediately after bringing the same into his Office, indorse on the Back, or some other Part of the said Deed, Conveyance, or other Instruments of Writing, the Time of the Entry thereof, which shall also be entered in the Record, and the Time of such Entry shall be held, deemed, and taken to be the Time of the Registry thereof.

Disputes about the Priority of Deeds,

How prevented.

IX. AND be it, and it is hereby enacted by the Authority aforesaid, That the said Register, or his lawful Deputy for the Time being, exercising and executing the said Office, shall, before his Honour the President in Council, at the first Sitting after the Publication of this Act, take an Oath for the due and faithful Discharge of the said Office, without Favour or Affection, Fear, Hatred, or Malice, to or of any Person whomsoever; and the said Register shall keep such Records in good strong bound Books, leaving a Margin of One Inch in Breadth on the Sides; and if any Person or Persons shall wilfully embezzle, erase, or deface any

Register, or his Deputy, shall take an Oath before the President in Council for the due Discharge of his Office.

Records how to be kept.

Persons embezzling or erasing any principal Deed or Record, &c. or forging any Entry, &c. shall suffer Death.



1768.  
Cap. 3.

5 l. Penalty on the Register's neglecting his Duty.

1000 l. Security to be given by the Register within One Month, &c.

Register acting without having given Security, to forfeit 500 l.

When Judgement is obtained on the Bond, it is of the like Nature as the Bond: no Execution to issue on the Judgement till *Scire facias*, or other Process against the Party, to shew Cause against Execution issuing.

Execution to issue for what Damages the Party injured has a Verdict for. The Judgement to remain cautionary for others damnified.

Hours of Register's Attendance at the Office.  
Penalty of 20 s.

How to be applied.

any principal Deed brought to, and entered in the said Office, or any Record of this Island, or forge or counterfeit any Entry of the Acknowledgment of such Deed, with Intent to injure or defraud any Person or Persons whomsoever, and be thereof lawfully convicted by the Verdict of Twelve good and substantial Freeholders, he, she, or they shall suffer Death as a Felon or Felons; and if such Register, or his lawful Deputy, shall be guilty of any wilful Neglect in the Execution of his Office, and shall be thereof lawfully convicted, he shall forfeit Five Pounds to His Majesty, His Heirs and Successors, to be applied to the publick Uses of this Island, to be recovered in any of the Courts of Record thereof, and be further liable to an Action for Damages at the Suit of the Party injured.

X. AND be it, and it is hereby enacted by the Authority aforesaid, That the Register shall, within One Month after the making and passing this Act, enter into a Bond, with good and sufficient Security, to our Sovereign Lord the King, His Heirs and Successors, in the Sum or Penalty of One thousand Pounds, good and lawful Money of the said Island, for the true Performance of the Duties of his said Office; and if the Register shall, after the Expiration of the said Month, presume to act in his said Office without having given such Security as aforesaid, he shall forfeit the Sum of Five hundred Pounds, good and lawful Money of the said Island, to the King's Most Excellent Majesty, His Heirs and Successors, to be paid into the publick Treasury, and applied to the publick Uses of this Island, to be recovered in any of the Courts of Record of the said Island.

XI. PROVIDED always, and it is hereby declared to be the true Intent and Meaning of this Act, That the said Bond, so given as aforesaid, shall be taken in the King's Name; but it is hereby declared, to be only to and for the Use, and in Trust for the Person or Persons concerned; and that when the said Bond shall be put in Suit, and Judgement thereupon obtained, the Judgement shall remain in the same Nature the Bond was, and that no Execution issue out thereupon, before the Person aggrieved shall, by *Scire Facias*, or other Process, summon the Person or Persons against whom the Judgement aforesaid is obtained, to appear and shew Cause why Execution should not issue upon the said Judgement; and if the Plaintiff in the said *Scire Facias* shall duly prove what Damages he has sustained, and thereupon a Verdict be found for him, the Judge shall in such Cases award Execution for so much as the Jury shall then find, and no more; and the former Judgement is hereby declared still to remain cautionary for the Satisfaction of such other of His Majesty's Subjects as shall legally prove themselves damnified, and recover the Damages as aforesaid by due Course of Law.

XII. AND be it, and it is hereby enacted by the Authority aforesaid, That the Register, or his Deputy for the Time being, shall duly attend at his Office from the Hours of Eight in the Morning until Twelve at Noon, and from Three until Five in the Afternoon, under the Penalty of Twenty Shillings for each Neglect; One Moiety thereof to be to our Sovereign Lord the King, His Heirs and Successors, to be paid into the publick Treasury of this Island, and to be applied to the publick Uses thereof, and the other Half to the Informer, to be recovered in any Court of Record of this Island.



## C A P. IV.

*An Act declaring Slaves, Mules, Boilers, Stills, and Still-Heads, and other Plantation Utensils, belonging to Mills, Boiling-Houses, and Still-Houses, to be real Estate.*

Cap. 4.

Passed in 1768.

WHEREAS a very considerable Part of the Wealth of this Island consists in Slaves, without whose Labour and Service the Inhabitants would be unable to manage their Plantations, to relieve their Wants, or to bring into His Majesty's Treasury that considerable Increase of Revenue which this Island may in Time afford; and whereas in this Island Widows are dowable of Estates in Lands and Tenements only, which must be attended with considerable Disadvantages, as the Want of Slaves, Mules, and Plantation Utensils, wherewith to work and manure Lands, and manufacture the Produce thereof, must of Course much diminish the Value of such Estates; for Remedy whereof, and to the End that Property in Slaves may be more secure and valuable, and for the making more suitable Provision for the Widows of deceased Husbands, who shall die seized and possessed of any Estate in Lands, Tenements, or Slaves in this Island,

Preamble,

I. BE it enacted, by your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of the Southern Caribbee Islands of Grenada, the Grenadines, Tobago, Dominica, and St. Vincent, and by the Council and Assembly of this Your Majesty's Island of Tobago, That all Negroes and other Slaves in this Island, and also the Mules belonging to any Plantation or Plantations, and all Boilers, Stills, and Still-Heads, and also other Plantation Utensils, belonging to Mills, Boiling-Houses, and Still-Houses, in all Courts of Judicature, and other Places within this Island, shall be held, taken, and adjudged to be Estate real, and shall descend unto the Heirs at Law, and Widows be dowable of them, according to the Manner and Customs of Lands of Inheritance held in Fee Simple.

Negroes, Mules, and Plantation Utensils, made real Estate.

II. AND be it, and it is hereby enacted by the Authority aforesaid, That where any Person or Persons shall stand seized and possessed of Slaves without Lands, such Slaves shall, notwithstanding, descend in like Manner as if they had belonged to a Plantation, and been thereon used, worked, or employed; and the Widow of such Persons shall in like Manner be dowable of them, as she would have been of Slaves belonging to any Plantation of which her Husband should have died seized and possessed.

Slaves belonging to Persons not possessing Lands, shall descend in like Manner, and Widows be dowable of them, &amp;c.

III. AND be it, and it is hereby enacted by the Authority aforesaid, That from and immediately after the Publication of this Act, all Deeds, Conveyances, and other Instruments of Writing, hereafter to be made and passed, of and relating to, and whereby the Right to, or Property in, any Negro, or other Slave, in this Island, may be affected, either in Law or Equity, shall be acknowledged, proved, and recorded in the same Manner, and within the respective Times, and under the same Provisos, as in and by an Act of this Island, intituled, *An Act for establishing and regulating a Register's Office*, are directed, limited, and made, for the acknowledging, proving, and recording Deeds, Conveyances, and Instruments of Writing, whereby Estates of Lands and Tenements in this Island are affected; and all Wills, wherein or whereby any Estates in Negroes or other Slaves are devised, shall not be pleaded or admitted as Evidence, until the same shall be proved in the Manner by the said Act directed. Provided that this Act, or any Thing therein contained, shall not be taken nor deemed to extend unto any

Deeds, Conveyances, &amp;c. of Negroes to be proved and recorded in the same Manner, &amp;c. as is directed by an Act for establishing a Register's Office.

Wills devising Estates, no Evidence till proved.

Proviso not to extend to Merchants importing new Negroes, &amp;c.

Merchant,



1768.  
Cap. 4.

Merchant, Factor, or Agent, bringing Slaves to this Island, or having the Consignment of Slaves; but in all Respects they, their Executors, Administrators, or Assigns, may hold, possess, and enjoy such Slave or Negroes, in such Manner as they might have done before the making of this Act, until the Sale of such Slave or Slaves hath been made in this Island.



C A P. V.

Cap. 5.  
Passed in 1768.

*An Act to prevent undue frequenting of Taverns and Tippling Houses, and to restrain all Persons not licensed from selling by retail Rum, or any other spirituous or fermented Liquors, and to prevent the clandestine Importation of the same.*

Preamble.

WHEREAS many Abuses and Disorders are daily increasing in Taverns and Tippling Houses, to the great Prejudice of honest and industrious People frequenting the same; for the Prevention whereof for the future, be it enacted, by your Majesty's most dutiful and loyal Subjects, the Governor in Chief of the Southern, *Caribbee* Islands of *Grenada*, the *Grenadines*, *Tobago*, *St. Vincent*, and *Dominica*, and the Council and Assembly of this your Majesty's Island of *Tobago*, and it is hereby enacted and ordained by the Authority of the same, That no Person or Persons shall sell or vend any Wine, Beer, Ale, Rum, or any other spirituous or fermented Liquors, mixed or unmixed, after the First Day of *October* next ensuing, without a Licence from any Two Justices of the Peace, who are hereby authorised and empowered to grant such Licences at all Times they judge proper, and to renew them every Year on the First Day of *October*, or within Twenty Days thereafter; which Licences are to continue in Force for One Year only.

Taverns, &c. to be licensed by any Two Justices of the Peace.

Justices of the Peace to take Recognizances with Sureties of Tavern Keepers for maintaining good Order.

Licences to be granted to none who were not licensed the preceding Year, without Certificates of their good Behaviour.

Every Person to pay 6*l.* 2*s.* for a Licence.

Persons selling Liquors without Licences, shall forfeit, for the First Offence, 3*l.* 6*s.*; for the Second 10*l.*; and for the Third 20*l.*

II. AND be it further enacted and ordained by the Authority aforesaid, That the Justices of the Peace, on granting Licences, are to take Recognizances from the Person or Persons to whom they do grant the same, in the Sum of Fifty Pounds, with Sureties in the like Sum, for maintaining good Order in their Houses; and on Complaint being made, on the Oath of Two Evidences, before Two Justices of the Peace, that any Person or Persons so licensed do keep riotous and disorderly Houses, the Recognizances aforesaid are to be forfeited, and the Penalty levied by the Warrant of the said Two Justices directed to any Constable.

III. AND be it further enacted and ordained, by the Authority aforesaid, That Licences be granted to no Person or Persons who were not licensed the preceding Year, unless they produce Certificates of their good Behaviour.

IV. AND be it further enacted and ordained by the Authority aforesaid, That every Person or Persons so licensed shall pay for such Licences the Sum of Six Pounds Twelve Shillings.

V. AND be it further enacted and ordained by the Authority aforesaid, That every Person or Persons selling Wine, Beer, Ale, Rum, or any other spirituous or fermented Liquors, mixed or unmixed, without a Licence, shall forfeit forthwith for the First Offence, the Sum of Three Pounds Six Shillings; for the Second, the Sum of Ten Pounds; for the Third,



the Sum of Twenty Pounds; to be recovered on the Oath of Two Evidences before any Two Justices of the Peace, and to be levied by their Warrant to any Constable; One Half of the said Sum or Sums to go to the Informer.

1768.

Cap. 5.

VI. AND be it further enacted and ordained by the Authority aforesaid, That all Persons that shall import and land any spirituous Liquors to sell, shall make a just Entry thereof at the Secretary's Office, or Naval Office, before their landing it, under the Penalty of forfeiting the same, whether found in the Possession of the Importers or Buyers; and any Two Justices of the Peace are hereby authorised to cause Packages containing any Quantity under Ten Gallons, upon due Conviction of their having been clandestinely landed, to be put up to public Vendue; and when sold, One Third of the Produce shall be immediately paid to the Informer.

Persons importing spirituous Liquors to sell, to make a just Entry thereof, under the Penalty of Forfeiture.

VII. AND be it further enacted and ordained by the Authority aforesaid, That all Monies arising by this Act, which are not otherwise disposed of, shall be paid into the public Treasury of this Island, for the Use of his Majesty, his Heirs and Successors, for the Purposes of this Island; and that all Fines and Amerciaments, which belong not to the King, shall be paid into the same for the said Purposes.

How the Monies and Forfeitures are to be disposed of.



C A P. VI.

*An Act to regulate, restrict, and direct the Conduct of the public Treasurer of this Island, and to appoint the Method of fixing his Salary.*

Cap. 6.

Passed in 1769.

WHEREAS by the various necessary Expences incident to a new Colony, and the immediate Exigences of the Public of this Island, it will be speedily necessary to levy a Tax on the Inhabitants thereof; and whereas it is reasonable that the public Treasurer, appointed or to be appointed for receiving and disbursing the same, should have an adequate Salary for acting in the said Office, and discharging the Duty thereof; and also that he should enter into such Securities for the due Execution of his Office, as shall be judged expedient for the public Trust and Confidence reposed in him; be it therefore enacted, by Your Majesty's most dutiful and loyal Subjects, the Commander in Chief of the Southern Caribbee Islands of Grenada, the Grenadines, Dominica, St. Vincent, and Tobago, and the Council and Assembly of Tobago, and it is hereby enacted and ordained by the Authority of the same, That the Person duly appointed, or who shall be duly appointed Treasurer of this Island, by His Majesty, or under His Royal Authority, being actually resident on or in this Island, shall be intitled to receive and disburse all publick Taxes which shall be hereafter granted to His Majesty, His Heirs and Successors; under the special Directions, Restrictions, and Penalties herein after-mentioned, and under no other Authority or Sanction whatsoever.

Preamble.

Treasurer intitled to receive and disburse all publick Taxes hereafter to be granted.

II. AND be it enacted by the Authority aforesaid, That the Person so nominated Treasurer as aforesaid, shall, before the Governor or Commander in Chief, or the Lieutenant-Governor, or President of this Island for the Time being, sitting in Council, enter into a Recognizance

Treasurer to give Security in 10,000*l.* Currency.



1769.  
Cap. 6.

zance to the King's most Excellent Majesty, His Heirs and Successors, with Two such good and sufficient Securities as the said Governor or Commander in Chief, Lieutenant-Governor, or President, and the Council and Assembly shall approve of, in the Sum of Ten Thousand Pounds current Money of this Island, for the faithful Discharge of his Office, before he be capable of acting in the same; and shall also at the same Time, and before he enters upon the said Office, take all the Oaths commonly called the State Oaths, and make and subscribe the Declaration called the Test, and shall also take the following Oath of Office:

Oath. *I A. B. do swear, That I will endeavour, to the utmost of my Power, to observe, fulfil, perform, and execute, the Office of Treasurer of this Island of Tobago, according to the Tenor and true Meaning of all such Laws of this Island, as do or shall lay or impose any Duty upon me; and that I do not hold, possess, or enjoy the said Office of Treasurer of or for the Benefit or Advantage of any other Person or Persons whatsoever.*

Taxes and Impositions to be paid into the Hands of the Treasurer only.

III. AND be it, and it is hereby enacted by the Authority aforesaid, That the Person so appointed Treasurer of this Island, as aforesaid, shall be the Person to whom, and into whose Hands, all Taxes and Impositions laid, or to be laid, on any of the People of this Island, shall be paid; and no such Taxes or Impositions shall be paid into the Hands of any other Person whatsoever.

Committee appointed for examining the Treasurer's Accounts.

IV. AND be it enacted by the Authority aforesaid, That Three Members of His Majesty's Council, and Five Members of the Assembly to be nominated by each respective Board, or any Five of them, whereof the eldest Member of the Council present to be Chairman, and if none of the Council attend, then the Person first named of the Assembly to preside, are hereby authorized and appointed a Committee for examining all the Accompts of the Treasurer relating to the public Treasury; and the said Accompts, together with whatsoever the said Committee shall, from Time to Time, do therein, they shall, every Three Months, or oftener if required, lay before and report, viz. the Members of the Committee of the Council, to the Governor in Chief, or, in his Absence, to the Lieutenant-Governor, or, in the Absence of both, to the President of the Council in this Island, and the Council; and those chosen by the Assembly, to the Assembly for the Time being.

Report made by the Committee every Three Months, or oftener, if required.

The Council and General Assembly, or a Committee by them appointed, to have it in their Power to call the Treasurer to an Account, as often as they think proper.

V. AND be it further enacted by the Authority aforesaid, That the Council and General Assembly of this Island, or a Committee to be by them appointed, as aforesaid, shall have it in their Power, when, and as often as they shall think proper, to call such Treasurer to an Account for all publick Money by him received, or which ought to be by him received; and if such Treasurer, when required, shall neglect to produce his Accompts, duly and regularly kept and stated, such Treasurer shall, for every such Offence, forfeit to His Majesty, His Heirs and Successors, for the publick Uses of this Island, the Sum of Fifty Pounds current Money, to be recovered by Warrant of Distress, issuing from the Committee of the Council and General Assembly, and to be levied on the Goods and Chattels of the said Treasurer, or his Securities.

The Treasurer to keep his Accounts duly stated, on Forfeiture of 50*l.* Currency.

No Money to be paid out of the Treasury without an Order.

VI. AND be it further enacted by the Authority aforesaid, That if any Treasurer of this Island shall pay or dispose of any Money out of the publick Treasury, to any Person or Persons, or on any Account or Pretext whatsoever, without an Order first duly had and obtained for that Purpose, or unless it shall be otherwise directed by any Act or Acts of the



the said Island, hereafter to be passed into a Law or Laws, all and every such Sum or Sums of Money, so paid and disposed of, without such Order first had and obtained; or unless directed as aforesaid by any Law or Laws, shall not be allowed to any such Treasurer in the Adjustment or Settlement of his Accompts.

VII. AND be it further enacted by the Authority aforesaid, That all Orders that shall be passed for the Payment of any Sum or Sums of Money, when passed, shall be paid in Course; according to the Priority of their respective Dates; unless special Provision shall be made, by any future Law or Laws of this Island, for the Application of Money to any particular Use, or for a Number of particular Purposes in Succession, in Preference to other Appropriations, or for such Orders as shall be for the extraordinary, immediate, and emergent Service of the Country.

VIII. AND be it enacted by the Authority aforesaid, That all Accompts due by the Publick to Persons employed in its Service, or for any Thing purchased for the Use thereof, shall be settled and approved by the Committee of the Council and General Assembly herein before-mentioned, who shall for that Purpose meet at *Scarborough* once every Three Months, viz. on the First *Tuesday* of the Months of *January, April, July, and October*, every Year; and all Accompts so settled and approved by the Committee as aforesaid, shall be certified by the Chairman for the Day, and Two other Members thereof; and all Petitions for Money due on such Accounts, shall be presented to the Governor, or Commander in this Island, in Council; and the Clerk of the Council shall immediately indorse thereon the Petitioner's Name, and Day of the Month it was presented; and the said Governor or Commander may, and he is hereby required to issue a Warrant or Order to the Treasurer for the Payment thereof; and to the End that no Mistake may be made, the Secretary is hereby required to number every Order, and to deliver to the Treasurer, or his Order, as often as demanded, a Schedule of the Number of such Orders, from Time to Time after the Passing thereof, to be set up in a Table to publick View in the Treasurer's Office, under the Penalty of forfeiting One hundred and Fifty Pounds Current Money to His Majesty, His Heirs and Successors, for the publick Uses of this Island, to be recovered by Warrant of Distress, issuing from the Committee of the Council and Assembly before-mentioned, and to be levied on the Goods and Chattels of the Person or Persons offending.

IX. AND, that the Treasurer may not refuse Payment of Orders upon him, under Pretence only that he has no Money in the Treasury; and to the End that such Abuses may be prevented, and that all Merchants, Traders, and other Persons that shall have any Dealings with the Public, may be apprised of what Money comes into the Treasury for the Payment of Orders, be it enacted by the Authority aforesaid, That the Treasurer, from and immediately after the Publication of this Act, shall, on the First *Monday* in every Month successively, faithfully publish, and set up at the Custom House, and at the Treasurer's and Secretary's Offices, an Account of the gross Sums of Money received on every distinct Fund or Tax, and the different Appropriations thereof; and in like Manner the gross Sums of Money paid, and what remains still uncollected on every such distinct Fund or Tax that shall be raised on the Inhabitants of this Island; and shall, at the Bottom thereof, mention the last Order paid by the Treasurer, its Number, and Date, as is practised in *England* by His Majesty's Court of Exchequer; and the Treasurer that shall fail in his Duty herein, shall, for every such Offence, forfeit the Sum of One hundred and Fifty Pounds Current Money,

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Orders to be paid according to Priority, excepting such as shall be for the extraordinary Service of the Country.

A Committee of the Council and Assembly to settle all Accounts against the Publick, and to meet at *Scarborough* Four Times every Year for that Purpose.

Petitions for Money in what Manner to be presented; Governor or Commander to issue Orders to the Treasurer for the Payment of publick Money; the Secretary to number every Order, and to deliver to the Treasurer a Schedule thereof, to be set up in his Office to publick View, under the Penalty of forfeiting 150 *l.* Currency.

The Treasurer to publish every Month an Account of the gross Sums of Money paid and received, and at the Bottom thereof mention the last Order paid.

Forfeiture 150 *l.* Currency.



1769.

Cap. 6.

The Treasurer to keep his Office in the Town of Scarborough.

Books kept by the Treasurer to belong to the Publick, and to be inspected at Pleasure by the Committee, or any Member thereof.

Treasurer's Salary to be from Time to Time provided for in Acts passed for raising Supplies.

Forfeitures how to be applied.

Money, to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record that shall be in this Island.

X. AND be it further enacted by the Authority aforesaid, That the Treasurer of this Island for the Time being shall keep his Office in the Town of *Scarborough*; and such Treasurer shall be under no Obligation to receive or pay away any Sum or Sums of Money for or on Account of the Publick of this Island, in any other Place than in his said Office.

XI. AND be it enacted by the Authority aforesaid, That the Books kept by the Treasurer, as such, shall belong to the Publick; and that the Committee, or any Member of the Committee, appointed for the Inspection of publick Accounts, shall, at his and their Will and Pleasure, at Office Hours, viz. from Nine to Twelve o'Clock in the Forenoon, and from Three to Five o'Clock in the Afternoon, *Sundays* and Holidays excepted, have full Power to examine and inspect the publick Books; and that the said Books shall be marked, *Publick of Tobago*, and numbered One, Two, &c.

XII. AND be it further enacted by the Authority aforesaid, That the Treasurer of this Island shall have and receive such Salary as shall be from Time to Time provided by any Act or Acts that may be passed for the raising Supplies to defray the publick Expences of this Island.

XIII. AND be it enacted by the Authority aforesaid, That all Forfeitures incurred by virtue of this Act, the Application whereof is not herein provided for, shall be to his Majesty, His Heirs and Successors, for the publick Uses of this Island, and to be recovered in the Manner herein before-mentioned.



## C A P. VII.

Cap. 7.

Passed in 1769, and repealed by an Act passed 1775, Cap. 31.

*An Act for establishing a Court of Common Pleas, and a Court of Error within this Island, and declaring also the Method and Manner of Proceeding to Judgement and Execution.*



## C A P. VIII.

Cap. 8.

Passed in 1770.

*An Act to enable Artificers, Labourers, Servants, and poor Settlers, to recover Debts in a summary Way.*

Preamble.

Artificers, &c. having Cause of Action on Account of Work performed or Materials provided, for any Sum not exceeding Twenty Pounds, may complain to a Justice of Peace;

I. **W**HEREAS Artificers, Labourers, Servants, and poor Settlers, raising Live Stock and Ground Provisions, are generally in such Circumstances as require a speedy Method to recover their Debts; in order therefore that all such may have due Encouragement to come and settle in this Island, be it enacted by Your Majesty's most dutiful and loyal Subjects, the Commander in Chief of the Southern *Caribbee* Islands, and the Council and Assembly of this Your Majesty's Island of *Tobago*, and by the Authority of the same, and it is hereby enacted by the Authority aforesaid, That all Artificers, Labourers, and Servants,



Servants, who now have, or hereafter shall have, Cause of Action against any Person or Persons for or on Account of any Work, Labour, or Service done or performed within the said Island of *Tobago*, or for Materials or necessary Things provided and used in or about such Work, Labour or Service, not exceeding the Sum of Twenty Pounds Current Money of this Island, may complain to the next or any neighbouring Justice of the Peace, who is hereby empowered and required to issue out his Warrant or Warrants, expressing the Cause of Complaint, and commanding some sworn Constable to summon the Defendant, and the Witnesses on both Sides, to appear before him at his Dwelling-house, or usual Place of Residence, or wherever else he shall appoint, on some Day and Hour to be particularly mentioned in the Warrant or Warrants, such Day not to be under Seven Days, and not to exceed Fourteen Days from the Time of making the Complaint; and the Justice is hereby authorised and empowered to hear, examine, and determine such Complaint; and he is also required to make Record thereof, and of his Judgement or Determination thereon, which he shall send to the Secretary of the Island, within three Days thereafter, to be entered by him in a Book to be kept for that Purpose, in order that either Party may bring a Writ of Error.

II. AND be it further enacted by the Authority aforesaid, That no Execution shall issue on the Judgement of the Justice until Seven Days after hearing and determining the Complaint, unless the Complainant shall make Oath before the Justice, that he verily believes the Defendant intends removing with his Effects from the Island before the Expiration of the said Seven Days; in which Case, or at the Expiration of Seven Days, the Justice shall issue Execution for the Debt and all reasonable Charges (according to the Form prescribed by an Act of the Legislature, intituled, *An Act for establishing a Court of Common Pleas and Court of Error within this Island, and declaring also the Method and Manner of proceeding to Judgement and Execution*;) directed to a sworn Constable, who is hereby authorised and required to execute the same by Attachment and Sale of the Defendant's Estate and Effects, in the same Manner as the Marshal of the Courts is empowered to do; and in case the Constable shall not be able to find Estate or Effects of the Defendant sufficient to satisfy the Debt and Charges, then to arrest the Body of the Defendant, and him to convey to the Common Gaol of the Island, there to be kept in safe Custody, until Satisfaction shall be made of the Debt and Charges; and the Constable shall be intitled to the same Fees for serving Warrants and raising the Money, as the Marshal is for serving Actions and levying Executions issuing from the Courts of Law; and the Constable is hereby made liable to the same Remedy being had against him, at the Suit of the Party injured, in case of his neglecting or delaying to serve or execute any Process issuing from a Justice of the Peace pursuant to this Act, or for delaying to pay the Money that shall be received by him to the Creditor, as the Marshal of the Courts is made liable to by the Act or Statute aforesaid; and the Justices have hereby the same Power to hear Complaints, and to give Judgement against the Constable, that the Judges of the Courts of Common Pleas have against the Marshal; but all Writs to be issued against the Constable, pursuant to this Act, shall be directed to, and executed by, the Provost Marshal of the Island, or his lawful Deputy.

III. AND be it further enacted by the Authority aforesaid, That all Persons possessed of Lands not exceeding Thirty Acres, and all other poor Persons whatsoever having a fixed Residence in this Island, who shall have Cause of Action for Ten Pounds Current Money, or under;

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arising

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who is empowered to determine the same at any Time not under Seven nor exceeding Fourteen Days, from the Time of making the Complaint. Record of such Determination to be sent to the Secretary within Three Days.

Execution not to issue until Seven Days after Judgement given, unless the Defendant intends removing with his Effects before that Time. Execution to issue according to the Form prescribed by the Court Act.

Constable to act in the same Manner, and to be intitled to the same Fees as the Marshal;

and to be liable to the same Penalties in case of Neglect of Duty, or Refusal to pay the Monies received, as the Marshal is made liable to by the Court Act.

Poor Settlers having Cause of Action for Ten Pounds, or under, on Account of Live Stock, or Ground Provisions, to proceed in the same Manner as Artificers, &c.



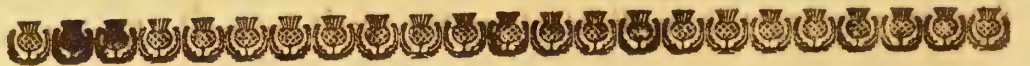
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If the Complainant cannot prove his Demand, Defendant to be examined on Oath. Defendant not appearing, or declining to be sworn, Complainant to be examined on Oath, and Judgement to be given accordingly.

What shall be deemed good Service on the Defendant if absent.

arising for Beef, Mutton, or Pork, or for Poultry, or any other Article commonly called or known under the Denomination of Live Stock, raised in this Island, or for Corn, Pulse, or Roots, commonly called Ground Provisions, of the Produce of the Island, or for Fish or Turtle, may make their Complaints to the next, or any neighbouring Justice of the Peace, who is hereby required to proceed thereon to Judgement and Execution, in the same Manner as herein before directed on the Complaint of an Artificer, Labourer, or Servant, until the Money be raised and paid to the Creditor; and if, upon the Hearing of any Complaint that shall be made in Consequence of this Act, for any Sum not exceeding Ten Pounds, the Complainant shall not be able to prove his Demand, the Defendant shall be examined on Oath concerning the same; but if the Defendant does not appear, or appearing declines to be sworn, the Complainant shall be examined on Oath, and Judgement shall be given for what, on such Examination, shall appear to be due.

IV. AND be it further enacted by the Authority aforesaid, That when any Complaint shall be made against any Person or Persons absent from the Island, Service of a Warrant or Summons on the Attorney, Overseer, or other Person intrusted with the Care or Management of the Estate or Affairs of such absent Person or Persons in this Island, shall be deemed good Service on the Defendant.



# C A P. IX.

Cap. 9.  
Passed in 1770.

*An Act for appointing an Agent to negotiate the Affairs of this Island in Great Britain, appointing a Recompence for his Trouble, and settling Methods for the better Management of that Trust.*

Preamble.

Richard Maitland of London, Esq; appointed Agent for One Year.

What Orders and Directions the Agent is to pay Regard to,

I. **W**HEREAS it is very necessary that the Inhabitants of this Island should have some fit Person in *Great Britain* fully empowered to negotiate such Affairs as may from Time to Time be committed to his Care, for the Good of the People, and the Security of their Rights, be it enacted by your Majesty's most dutiful and loyal Subjects, the Governor in Chief of the Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *Dominica*, *St. Vincent*, and *Tobago*, and by the Council and Assembly of Your Majesty's Island of *Tobago*, and it is hereby enacted by the Authority of the same, That *Richard Maitland*, of the City of *London*, Esq; be, and he is hereby appointed, Agent for the Purposes aforesaid for one whole Year, to commence from the Publication of this Act.

II. AND, for the better Direction of such Agent, and of any other Agent or Agents, hereafter to be appointed, be it further enacted by the Authority aforesaid, That every such Agent or Agents by this Act appointed, and hereafter to be appointed, shall pay due Regard to, and observe all, such Orders and Directions relative to the Confirmation of, or obtaining, the Royal Assent to any Law or Laws as he shall receive from the Governor or Commander in Chief for the Time being, the President of the Council, and the Speaker of the



House of Assembly, jointly authenticated by them; or from a Committee of Correspondence, to be appointed in the Manner herein-after directed; and that he shall not observe any Order or Directions which may be transmitted to him by any other Person or Persons whatsoever, nor pay Regard to any Remonstrance, or Complaint of any Grievance, except what shall come to him from under the Hand of the Speaker for the Time being, by and with the Advice and Consent of the House of Assembly, or from the said Committee of Correspondence; nor observe or take Notice of any Minutes of the Council or Assembly as copied out of the Council or Assembly Books, but such out of the Council-Books as shall be signed by the President thereof for the Time being, and such out of the Assembly Books as shall be signed by the Speaker thereof for the Time being, each attested by the respective Clerks of the said Council and Assembly.

III. AND be it further enacted by the Authority aforesaid, That for and in Consideration of the Pains, Trouble, and Care of duly observing and executing the several Orders and Directions herein-before declared and expressed, such Agent so appointed shall have and receive at the Rate of One hundred Pounds Sterling Money of *Great Britain per Annum*, for and during his Continuance in that Appointment, or until some further or more adequate Provision be made for his Salary by the Commander in Chief for the Time being, by and with the Advice and Consent of the Council and Assembly; which Salary shall be remitted to him by the Treasurer of this Island for the Time being out of the publick Funds thereof, together with all Charges and Expences that may be incurred on account of the due Performance of his Office; and the Treasurer of this Island for the Time being is hereby impowered and required to remit the same on or before the First Day of *January* in each Year, the First to commence on the First Day of *January*, which will be in the Year of our Lord One thousand seven hundred and seventy-one.

IV. AND be it further enacted by the Authority aforesaid, That in case of any new Agent being appointed, and until such new Agent shall be appointed, and such Appointment signified by the President of the Council and the Speaker of the Assembly jointly, under their respective Hands, to the Agent by this Act appointed, the said Agent hereby appointed shall be deemed and continue to be Agent, to all Intents and Purposes, and be intitled to the Salary by this Act allotted him for the Time he shall so act, after the Expiration of the said One Year, any Thing herein contained to the contrary thereof in any ways notwithstanding.

V. AND be it further enacted by the Authority aforesaid, That the said Committee of Correspondence shall be and consist of Three Members of the Council, to be named by the Governor in Chief, or in his Absence, by the Lieutenant Governor of this Island, or, in the Absence of both, by the President of the Council for the Time being, by and with the Consent of the said Council; and Four Members of the Assembly, to be named by the Speaker of the Assembly for the Time being, by and with the Consent of the said House of Assembly; and Four of them shall correspond with, and give Directions to such Agent or Agents in the Manner herein before-mentioned.

1770.

Cap. 9.

and what not.

Minutes of the Council or Assembly, how to be authenticated.

Salary 100 l. Sterling per Annum,

with all Charges and Expences.

To be remitted by the Treasurer on or before the First of *January* in each Year.

Agent to continue to act till the Appointment of a new Agent be signified to him,

Committee of Correspondence to consist of Three Members of the Council, and Four of the Assembly;

any Four of whom to correspond with the Agent.



1770.  
Cap. 10.  
Expired.

## CAP. X.

*An Act for raising a Sum of Money for improving the publick Roads, for discharging the publick Debts of this Island, and to answer other necessary Purposes.*



## CAP. XI.

Cap. 11.  
Expired.

*An Act for the Application of a Sum of Money appropriated for the making, altering, repairing, and enlarging the publick Roads, and to appoint proper Persons to direct and lay out the same.*



## CAP. XII.

Cap. 12.  
Expired.

*An Act to enable the Commissioners appointed in and by an Act of this Island, passed in the Tenth Year of the Reign of His present Majesty, intituled, An Act for the Application of a Sum of Money appropriated for the making, altering, repairing, and enlarging the publick Roads, and to appoint proper Persons to direct and lay out the same, to execute the Duties and Offices therein prescribed.*



## CAP. XIII.

Cap. 13.  
A Private Act.

*An Act to vest the Fee Simple, and Inheritance of, in all that certain undivided Moiety late of William Williams, late of the Island of Grenada, Merchant, deceased, of and in Two certain Plantation Lots or Parcels of Land, distinguished by the Denominations of Lot Number Twenty-eight, and Lot Number Twenty-nine, of Sandy Point Division, now called the Parish of St. Patrick, in this Island; and also the like undivided Moiety of the Buildings thereon erected, and of Eighteen Slaves thereto belonging, in William Sloane, of the said Parish of St. Patrick, in this Island, Esq; and his Heirs and Assigns for ever.*



C A P. XIV.

*An Act for repealing such Part of the Seventh Clause of an Act of this Island, intituled, An Act for raising a Sum of Money for improving the publick Roads, for discharging the publick Debts of this Island, and to answer other necessary Purposes, as appropriates that Part of the Money raised by virtue of the said Act for making, altering, repairing, and enlarging the publick Roads of this Island, and for applying the said Money for discharging the Expences incurred by the late Insurrection of the rebellious Slaves.*

1771.  
Cap. 14.  
Passed in 1771.  
Expired.



C A P. XV.

*An Act for establishing and regulating a Militia in this Island.*

Cap. 15.  
Passed in 1771.  
Expired.



C A P. XVI.

*An Act for raising a Sum of Money by a Tax upon Lands in this Island, subject to the Deduction specified, and for applying the same for the Discharge of the publick Debts and Exigencies of the Colony.*

Cap. 16.  
Passed in 1772.  
Expired.



C A P. XVII.

*An Act for altering and amending the Fourth Clause of an Act, intituled, An Act for establishing and regulating a Militia in this Island.*

Cap. 17.  
Passed in 1772.

WHEREAS the Act, made and passed in the Eleventh Year of His Majesty's Reign, intituled, *An Act for establishing and regulating a Militia in this Island*, has been found defective in several Points, owing to its having been passed in Haste, on account of the Exigency of the Occasion, and without that mature Deliberation which, at a Time of less Urgency, might have been bestowed upon it:

Preamble.

AND whereas, in particular, the Dress described by the aforesaid Act, and directed to be worn in all Times of Alarm, has been found improper,



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Cap. 17.

Part of the Fourth Clause  
of the Militia Bill re-  
pealed.

Description of the Dress  
of the Officers of the  
Battalion, and their Ac-  
countrements, together  
with those of the Private  
Men on Field Days and  
Times of Parade.

Description of their Dress  
when on actual Service  
in the Woods.

Another Part of the  
Fourth Clause of the  
Militia Bill repealed.

Treasurer authorised to  
purchase the Uniform  
Clothes for the Battalion,  
according to a particular  
Description.

Description of the Clothes  
to be purchased.

Not to exceed 3*l*. 10*s*.  
Sterling Value, exclusive  
of Charges.

per, inasmuch as it would be impossible to wear any One Uniform in the Woods for any considerable Time, without endangering the Healths and Lives of His Majesty's Subjects:

AND whereas nothing can more effectually tend to inspire, both the Officers and Private Men of the Militia, with a proper Regard for Military Discipline, than being clothed and accoutred in the same Manner as his Majesty's Troops;

I. BE it, and it is hereby enacted by Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *Saint Vincent*, and *Tobago*, and by the Council and Assembly of the Island of *Tobago*, That so much of the Fourth Clause of the aforesaid Act as relates to the Dress and Accountrements of the Officers and Private Men of the Battalion of Infantry be, and it is hereby repealed.

II. AND be it further enacted by the Authority aforesaid, That on all Field Days, and Times of Parade, the Commissioned Officers of the Battalion shall appear dressed in a short Red Frock of Cloth, with plain Yellow Metal Buttons, and embroidered Button Holes on both Breasts; a small round Blue Cuff, with Three Buttons and Holes; a small Blue Collar, with a plain Button and Hole on each Side; the Frock to be faced in the Inside with Blue Cloth, and the Embroidery to go through; a plain common Pocket, with Three Buttons and Holes, and a fringed Gold Epaulet on the Right Shoulder; a plain Black Hat and Cockade, with a Gold Button and Double Chain Loop; Black Silk Garters, with Yellow Buckles; Yellow Gorgets and Crimson Sashes; White Waistcoats and Breeches; small Swords, and plain Brass-mounted Fusils and Bayonets, of the same Calibre with those of the Privates: And that the Private Men shall appear dressed in a plain short Frock of Red Cloth, with plain Blue Cloth Cuffs and Collars, and plain Yellow Metal Buttons; White Waistcoats and Breeches; a plain Black Hat and Cockade, with a Single Chain Gold Loop and Button: And when upon actual Service in the Woods, the Officers and Privates shall appear in Green Jackets and Half Boots, or in such other Dress as shall be most convenient and least glaring.

III. AND be it, and it is hereby further enacted by the Authority aforesaid, That so much of the Fourth Clause of the aforesaid Act as authorises the Treasurer to purchase in the City of *London* the Uniform Clothes for the Private Men of the Battalion, according to the particular Description therein contained, be, and it is hereby also repealed: And the Treasurer of this Island is hereby authorised to purchase, with all convenient Speed, the Uniform Clothes for the Private Men of the Battalion according to the following Description, any Thing in the said Act contained to the contrary thereof notwithstanding; *viz.* Three hundred short Red Cloth Frocks, with Yellow Metal Buttons, and Blue Cuffs and Collars, to be lined only in the Fore Skirts, and under the Buttons and Button Holes, with Blue Shalloon, and in the Sleeves with coarse White Linen; Three hundred coarse Green Cloth short Jackets, with Sleeves, and plain Green Buttons, to be lined with Brown Linen; Three hundred Pairs of Green Breeches, to be also lined with Brown coarse Linen; and Three hundred plain Black Hats and Cockades, with Single Chain Gold Loops and Buttons: The whole Suit of Uniform Clothes, including the Hat, not to exceed Three Pounds Ten Shillings Sterling in Value, exclusive of Charges.



C A P. XVIII.

*An Act for the Application of a Sum of Money appropriated for the making, altering, repairing, and enlarging the Publick Roads, and to appoint proper Persons to direct and lay out the same.*

Cap. 18.

Passed in 1772.

WHEREAS the Number of Plantations and Settlements, now established in this Island, and the daily Increase of them renders it extremely necessary that Publick Roads should be made, and that such as are now in Use be altered, repaired, and enlarged, so as to make a convenient general Communication from Place to Place throughout the Island: And whereas in and by an Act, passed in this present Year, intituled, *An Act for raising a Sum of Money by a Tax upon Lands in this Island, subject to the Deduction specified, and for applying the same to the Discharge of the Publick Debts and Exigencies of the Colony*, the Sum of Sixpence for each and every Acre of Land within this Island, subject to the Tax thereby imposed, was entirely appropriated for the making, altering, repairing, and enlarging the Publick Roads, to be laid out in such Manner, and in such Proportions, as should be directed by some future Law of this Island; and whereas it is just and necessary that the Sum therein appropriated should be equitably applied to the Benefit of the different Parishes in this Island;

Preamble,

I. BE it therefore enacted by Your Majesty's most dutiful and loyal Subjects, the Governor and Commander in Chief of Your Majesty's Southern Caribbee Islands of *Grenada*, the *Grenadines*, *Saint Vincent*, and *Tobago*, and the Council and Assembly of Your Majesty's Island of *Tobago*; and it is hereby enacted by the Authority of the same, That the Money so appropriated as aforesaid, shall be wholly applied to the making, altering, repairing, and enlarging the Publick Roads in each and every Parish within this Island, in the Proportion of One Sixpence for each and every Acre of Land subject to Taxation within each respective Parish.

Money appropriated by a former Act to be applied to the Publick Roads, in Proportion of One Sixpence for every Acre subject to Taxation within each respective Parish.

II. AND, to the End that the Money aforesaid may be duly and judiciously applied in each respective Parish for the general Conveniency of the Publick, be it, and it is hereby further enacted by the Authority aforesaid, That the following Persons be, and they are hereby appointed Commissioners for the Publick Roads of this Island within the several Districts hereafter mentioned; that is to say, For the Parishes of *Saint George*, *Saint Mary*, and *Saint Paul*, the Honourable *Robert Stuart*, *Benjamin Brown*, and *Edmund Lincoln*, Esquires; *Peter Franklyn*, *James Orr*, *Alexander Lyon*, *James Campbell*, *William Stuart*, *John B. Barnard*, and *John Phipps*, Esquires: For the Parishes of *Saint Andrew*, *Saint Patrick*, and *Saint David*, the Honourable *Peter Campbell*, *Walter Robertson*, and *Joseph Robley*, Esquires; *William Sloane*, *George Gibb*, *Charles Irvine*, *John Balfour*, and *John Bremner*, Esquires: And for the Parish of *Saint John*, the Honourable *John Leith*, Esquire; *John Hamilton*, *Patrick Ferguson*, *James Ottley*, *George Guise*, *Alexander Gordon*, and *David Mill*, Esquires: Which said Commissioners are hereby vested with such Powers, and directed to observe such Regulations and Restrictions as are herein-after mentioned.

10 Commissioners appointed for the Publick Roads in the Parishes of *St. George*, *St. Mary*, and *St. Paul*;

8 for the Parishes of *St. Andrew*, *St. Patrick*, and *St. David*;

7 for the Parish of *St. John*.

III. AND be it enacted by the Authority aforesaid, That each and every Person and Persons owning, renting, or possessing Slaves within this

Owners, Renters, or Possessors of Slaves, to furnish any Number, not exceeding the Proportion



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of One to every Ten they shall possess, for the Publick Roads in the Parish where they reside.

Commissioners to distribute the Labour as equally as possible.

In case any Slave is sick or absent, his Owner shall furnish another.

Penalty, on Neglect or Refusal to furnish the Number of Slaves required, 6s. *per Diem*, for every Slave not furnished.

Commissioners to grant Certificates for the Number of Days Labour furnished, which shall entitle the Owners to an Order on the Treasurer for 3s. *per Diem* for every Slave so employed.

How the Publick Roads are to be conducted in the Parishes of St. George, St. Mary, St. Paul, St. Andrew, St. Patrick, and St. David.

this Island, shall furnish One able Negro Slave for every Ten Slaves he, she, or they shall own, rent, or possess, to be employed on the Publick Roads of the Parish where such Slave or Slaves shall usually reside, and to be furnished severally with One good Ax, a Bill or Cutlafs, a Hoe, and sufficient Provision, at the Expence of his or their Owner, Renter, or Employer; and such Slave or Slaves shall continue to be employed on the Publick Roads so long as the Commissioners aforesaid shall direct, but so as all Owners, Renters, or Possessors of Slaves, shall furnish such Slaves in an equal Proportion to the Number of Slaves in each respective Parish, (One Half whereof at least shall be Men) which Proportion shall be ascertained by Lists to be given in upon Oath to the Commissioners by the respective Proprietors, or their several Representatives, within Three Days after Notice shall be given: And if any Slave shall become sick during the Time of his being employed upon the Publick Roads, or shall absent himself from his Duty thereon, his Owner, Renter, or Employer, (upon receiving Notice from any of the Way-Wardens herein-after mentioned) shall, as soon as may be, supply another in his Stead; and if any Owner, Renter, or Employer of Slaves, or his lawful Attorney, Manager or Overseer, or other Person having the Charge, Management, and Direction of such Slaves, shall neglect or refuse to furnish the Number of Slaves, at the Time and Place required, after due Notice given him in the Manner herein before and after mentioned, he shall incur a Penalty of Six Shillings *per Diem* for each Slave he, she, or they shall so refuse or neglect to furnish, for and during the Time they ought to have been so furnished and supplied; and in order that the Owners, Renters, or Employers of Slaves, furnished for making the Publick Roads, may receive a reasonable Compensation for the Labour of such Slaves, the Commissioners herein before mentioned are hereby directed to grant Certificates, from Time to Time, to the Owners, Renters, or Employers of such Slaves, or to any Person applying in their Behalf, of the Number of his, her, or their Slaves furnished for making the Publick Roads, and the Number of Days they have been so employed, which, on being produced to and passed by the Committee of Publick Accounts, shall entitle such Owners, Renters, or Employers, to receive an Order on the Publick Treasurer of this Island for Three Shillings Current Money for each and every Day's Labour for One Slave so employed, to be paid out of the Fund appropriated for making, altering, repairing, and enlarging the Publick Roads of this Island.

IV. AND it is hereby enacted and ordained by the Authority aforesaid, That so much of the Money hereby appropriated for the Parishes of Saint George, Saint Mary, Saint Paul, Saint Andrew, Saint Patrick, and Saint David, as shall be found necessary, shall be first applied towards making, altering, repairing, and enlarging a Leading Road or Highway from the Town of Scarborough through the said Parishes of Saint George, Saint Mary, and Saint Paul, to the Eastermost Boundary of the said Parish of Saint Paul; and also One other Leading Road from the Town of Scarborough in like Manner through the said Parishes of Saint Andrew, Saint Patrick, and Saint David, to the Town of Plymouth in the said Parish of Saint David; from thence, in the nearest and most convenient Direction, to the Eastermost Boundary of the said Parish of Saint David; and from the said Town of Plymouth through the Parishes of Saint David and Saint Andrew to the Town of Scarborough; which said Leading Roads or Highways are to be laid out so as they shall communicate with the principal Bays and Shipping Places within the several Parishes before-mentioned: And after the said

Leading



Leading Roads in this Clause mentioned shall be completed, the Residue of the Money hereby appropriated for the Six Parishes aforesaid, shall be laid out in the different Parishes according to their respective Proportions on such other Publick Roads as may appear to the Commissioners best calculated for the general Benefit and Conveniency of the Publick.

V. AND whereas the Parish of *Saint John* contains a much greater Quantity of Land than any other Parish in this Island; and whereas the Publick Roads most immediately necessary to be made in the said Parish are such as will open the best and shortest Communication with the other Parts of the Island, as well for the Purpose of general Defence and Support in the Time of Publick Danger, as for the immediate Conveniency of the Inhabitants of the said Parish of *Saint John*; be it therefore, and it is hereby enacted by the Authority aforesaid, That the Money hereby appropriated for the said Parish of *Saint John* shall be laid out in making, altering, repairing, and enlarging such Roads, and in such Directions as the Commissioners appointed for the said Parish shall judge the most proper for the Conveniency of the present Inhabitants, for the Encouragement of other Settlers, and for opening a Communication with the other Parts of the Island in the best and most convenient Direction.

VI. AND be it, and it is hereby enacted and ordained by the Authority aforesaid, That the whole Number of Commissioners, hereby appointed for the different Districts of this Island before-mentioned, are hereby required to meet at *Scarborough*, at such Time or Times as the Commander of the Island shall, in his Discretion, think proper, where they shall determine, by a Majority of such of the Commissioners as shall be then there present, on such general Rules and Regulations relating to the Time or Times of calling out the Negroes on the Roads in the different Districts, the Breadth Publick Roads are to be made in Woods and in Cleared Lands, the Number of Feet such Roads are to be levelled, where they shall pass over irregular Surfaces, and such other general Circumstances as they may think necessary for the more effectually carrying this Act into Execution: Provided always, That such Rules and Regulations be not repugnant to any Thing herein before and after mentioned; and the Commissioners, Way Wardens, and Overseers of the Roads in the different Districts, are hereby strictly required to adhere to such Rules and Regulations as may be made at such General Meeting or Meetings; and any Commissioner who shall absent himself from the said General Meeting or Meetings, shall incur a Penalty of Ten Pounds, unless Sicknes, or Absence from the Island, shall prevent him.

VII. AND it is hereby enacted and ordained by the Authority aforesaid, That the Commissioners appointed for each respective District, whereof no less than Three shall make a Board to proceed to Business, are hereby required and directed to meet at some Place within such District, not less than Ten Days before the Time of calling out the Negroes upon the Roads, and then and there to appoint some Person properly qualified to be their Clerk, with such Allowance for his Attendance as they shall think proper and adviseable, not exceeding Ten Shillings for each Day they shall have Occasion to employ him: And the Commissioners, at the Time and Place aforesaid, shall also appoint Two more proper Persons in each Parish to act as Way Wardens; which Persons, so chosen Way Wardens as aforesaid, shall have (at least Six Days before the Negroes are to be employed on the Roads) Notice in Writing of such Appointment, and of such Negroes as are first to be called out upon the Roads, (which the Commissioners are hereby directed to draw from such Plantations

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and

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The Residue of the Money to be laid out at the Discretion of the Commissioners.

Money appropriated for the Parish of *St. John* to be laid out for the present Conveniency, at the Discretion of the Commissioners for that Parish.

All the Commissioners to meet at *Scarborough*, and determine on general Rules relating to the Roads.

Proviso.

10/. Penalty for any Commissioner absenting himself from the General Meeting.

Commissioners to meet in their respective Districts, at least 10 Days before the calling out the Negroes, and to appoint a Clerk, with an Allowance *per Diem* not exceeding 10s.

and Two or more Way Wardens, who shall have Notice 6 Days before, of such Negroes as are to be first called out;



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and of such general Orders as the Commissioners may think proper to give, to be signed by the Clerk, and left at their Dwelling Houses.

Clerk to issue all Notices,

and to enter Minutes of their Proceedings.

Notices to be served by Constables,

who shall be allowed not above 3 s. for each Notice.

40s. Penalty on Constables, or other Persons, neglecting their Duty.

Commissioners to appoint a Time for their subsequent Meeting.

Proviso:

Two of the Commissioners may order a Meeting Extraordinary.

10l. Penalty on any Commissioner absenting himself from any Ordinary or Extraordinary Meeting.

Way-Wardens to continue till others are appointed,

To trace the Roads under the Direction of the Commissioners,

To superintend the Overseers,

To keep a daily Account of the Number of Negroes employed, to be returned to the Commissioners,

And to attend at every Meeting of the Commissioners.

and Settlements as lie most conveniently to the Roads they are to be employed on) and such Notice shall also express the Time when, and Place where such Negroes are to be first employed, and in what general Direction the Roads are to be conducted in each respective Parish, with such other Instructions as may be thought necessary for their Direction and Government; which Notices shall be signed by the Clerk, and delivered to or left at the Dwelling House or Place of Abode of the Way Wardens so appointed as aforesaid: And the Commissioners are hereby also required and directed to cause their said Clerk to attend at each of their said Meetings, and issue all such Warrants or Notices to Way Wardens, or to the Owners, Renters, or Employers of Slaves to be furnished for the Publick Roads, as often as they shall find it necessary so to do, and to deliver them to the Constables, whom they shall direct to serve and execute the same; also to enter in a Book (to be by them provided for that Purpose) fair Minutes of all their Proceedings, and a List of all Orders or Notices by them issued or given, and by whom the same are served; and all such Orders and Notices, as shall be from Time to Time given, shall be served by the Constables of the several Parishes within the said Districts respectively; and the said Commissioners are hereby impowered to allow such a Sum of Money for the Service of all such Notices, from Time to Time, as they in their Discretion shall think proper, not exceeding Three Shillings for each Notice; and any Clerk or Constable, taking Charge of any Order or Notice, neglecting or refusing to do their Duty, or obey the Directions of the said Commissioners in the Premises, shall forfeit the Sum of Forty Shillings Current Money; and the said Commissioners are hereby further required and directed, at each Meeting, to appoint such Time and Place within the District, for their next subsequent Meeting, as they shall think proper or agree upon, until the Business of the District shall be finished. Provided always, and it is hereby declared, That upon any necessary Occasion, any Two of the Commissioners, during an Adjournment, may order an Extraordinary Meeting of the Commissioners for the District, by directing the Clerk to give Notice in Writing of such Meeting to the others; and any Commissioner or Commissioners absenting himself or themselves from any Ordinary or Extraordinary Meeting as aforesaid, shall severally forfeit for every such Offence Ten Pounds Current Money, unless he shall have been sick or absent from the Island.

VIII. AND be it enacted by the Authority aforesaid, That the Way-Wardens appointed by the Commissioners as aforesaid, shall continue to execute the said Office until others shall be appointed in their Stead; and shall give due Attendance to, and carefully trace out, in the best and most convenient Direction, all the Publick Roads within the Parishes for which they shall be respectively appointed, according to such Instructions and Directions as they shall from Time to Time receive from the Commissioners; and shall also superintend and direct the Overseers of the Negroes in the Manner of clearing and levelling the Publick Roads; who are hereby required to follow such Directions as they shall receive from them. And all the Way-Wardens shall keep an exact daily Account of the Number of Negroes employed on the Roads under their Direction, and to whom they belong; fair Copies whereof, attested by them upon Oath, they are hereby directed to return to the Commissioners at their Meetings, to be filed by their Clerk: And the Way-Wardens aforesaid are hereby further directed to attend at the Meetings of the Commissioners, upon their receiving due Notice thereof from the Clerk, and to give the Commissioners, from Time to Time, such Information relat



ing to the Progress of the Roads under their Direction as may be necessary: And any Way-Warden wilfully neglecting or refusing to do their Duty, herein-before or after mentioned, shall incur, for every such Offence, the Penalty of Twenty Pounds Current Money.

IX. AND be it enacted by the Authority aforesaid, That the Way-Wardens may, and they are hereby empowered to trace out, make, alter, enlarge, or repair, the Publick Roads, according to such Directions as they shall receive from the Commissioners as aforesaid, through or over any Land they shall find most convenient for that Purpose, and to cut down, dig up, and remove all Sorts of Trees, Bushes, Fences, or Plants whatsoever, that shall or may obstruct the said Roads or Highways; and also to dig for Stone, Gravel, Sand, Marle, or Earth, in any Lands not planted or inclosed; and where it shall be necessary to cut down or remove any Canes, Cotton, Corn, or other Plant yielding Provision, or Produce, the Commissioners of the District shall make such reasonable Satisfaction for the Crop then on the Ground, to the Party or Parties concerned, as they shall think equivalent to the Damage sustained. Provided always, That when the Way-Wardens, or one of them, shall think it necessary to carry a Publick Road through the cleared Land of any Settlement or Plantation, and the Owner of such Settlement or Plantation, or his lawful Attorney, Manager, or Overseer in his Behalf, shall be of Opinion that the same might be carried through some adjacent Land with equal Convenience to the Public, such Owner, or his lawful Attorney, Manager, or Overseer, in his Behalf, may stop the Road; and the Way-Warden, on being so stopped, is hereby directed to desist from proceeding any further, until the same shall be determined; and for the more speedy and just Determination thereof, the Way-Wardens shall immediately apply to the nearest Magistrate, who is hereby directed and required to issue his Warrant to the next Constable, to summon a Jury of Twelve Men, being Freeholders, or Chief Managers of Plantations, to meet on some convenient Day, therein to be mentioned, to lay out the Roads in Question; and such Justice is hereby empowered to administer an Oath to the said Jury, *That, according to the best of their Skills and Judgements, and with most Conveniency to the Public, and least Prejudice and Damage to the Party or Parties concerned, they will lay out such Road*; which having done, the Justice is to make a Return thereof into the Secretary's Office, as well under his own Hand and Seal, as under the Hands of the Jurors by whom the same shall be laid out, to the End that the same may be there filed or recorded, and afterwards known for a Publick Road; and if the Jury shall lay out the Road through the cleared Land, in the Manner the Way-Wardens intended to have carried the same, the Owners of the Settlement or Plantation where the Way-Warden was stopped, shall incur a Penalty of Thirty Pounds Current Money: And any Magistrate neglecting or refusing to do his Duty herein, shall forfeit Fifty Pounds; and any Juror duly summoned, neglecting or refusing to appear, shall in like Manner forfeit Ten Pounds Current Money.

X. AND be it further enacted by the Authority aforesaid, That the Commissioners shall grant Certificates to the Parties concerned, of the Sums of Money due for the Salary of their Clerks, to Constables for serving Orders or Notices, and to Persons who shall sustain Damages by the Publick Roads, as herein-before mentioned; which Certificates, on being passed by the Committee of Publick Accounts as aforesaid, shall entitle the Person or Persons in whose Favour they shall be so granted, to receive an Order on the Publick Treasurer of this Island, for the

Sums

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20*l.* Penalty on their Neglect of Duty.

Way-Wardens empowered to trace the Roads in the most convenient Manner, and to remove all Obstructions;

To dig for Stone, Gravel, &c.

And to cut down Produce or Provisions, for which the Commissioners shall make Satisfaction.

Proviso.

In case the Way-Warden is stopped by the Owner of any Plantation through which the Road passes,

he is to apply to the nearest Magistrate, who shall issue his Warrant to summon a Jury to lay out the Road.

Their Oath.

Return of the Roads so laid out to be made into the Secretary's Office.

If the Jury lay out the Road as the Way-Warden intended, Owner to forfeit 30*l.*

Magistrate to forfeit 50*l.* and Juror 10*l.* on either of their neglecting Duty.

Commissioners to grant Certificates to the Parties concerned, of the Money due to them;

which shall entitle them to an Order on the Treasurer for the Sums so certified.



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Clerks to keep regular  
Weekly Accounts of the  
Expences incurred by this  
Act.

In order that the same  
may not exceed in each  
Parish the Sums follow-  
ing:

For the Parish of  
St. George, - 250 l.  
St. Mary, - 202 l.  
St. Paul, - 162 l.  
St. Andrew, - 80 l.  
St. Patrick, - 150 l.  
St. David, - 210 l.  
St. John, - 193 l.

After the Sums are ex-  
pended, the Commis-  
sioners to discharge the  
Persons employed by  
them, and to send all  
their Accounts and Pa-  
pers to the Clerk of the  
Council, to be laid before  
the Committee for audit-  
ing Publick Accounts.

Fines and Forfeitures  
when and how to be  
levied.

Fines and Forfeitures  
how to be applied.

Sums so certified, to be paid out of the particular Fund herein-after allotted for each respective Parish, for making, altering, repairing, and enlarging, the Publick Roads thereof.

XI. AND to the End that the Sum of Money expended on the Publick Roads, and other incidental Expences incurred by virtue of this Act, may not exceed the Sum appropriated for that Purpose, be it enacted by the Authority aforesaid, That the Commissioners shall cause a regular Weekly Account to be kept by their Clerk, of all Expences incurred in each respective Parish, by the Hire of Negroes employed on the Roads, and other incidental Charges attending the same, as well as for Damages allowed by this Act: And for the better Regulation of the Commissioners herein, they are hereby further directed, That the Sums expended on each respective Parish, shall not exceed the Sums herein-after mentioned, that is to say, In the Parish of *Saint George*, Two hundred and fifty Pounds; in the Parish of *Saint Mary*, Two hundred and two Pounds; in the Parish of *Saint Paul*, One hundred and sixty-two Pounds; in the Parish of *Saint Andrew*, Eighty Pounds; in the Parish of *Saint Patrick*, One hundred and fifty Pounds; in the Parish of *Saint David*, Two hundred and ten Pounds; and in the Parish of *Saint John*, One hundred and ninety-three Pounds; all Current Money. And when the several Sums before-mentioned shall have been expended in the respective Parishes, in the Manner herein-before directed, the Commissioners shall discharge their Clerk, and the Negroes employed on the Roads, and shall cause the Minutes of their Proceedings, the Accounts of Money expended in the respective Parishes, the Way-Wardens Lists, and the Lists of Orders and Notices issued by them, together with an exact Account of all Forfeitures and Penalties incurred by Delinquents, to be lodged in the Hands of the Secretary for the Time being, and to be by him laid before the Committee of the Council and Assembly appointed to audit the public Accounts, for their Inspection, when required.

XII. AND be it further enacted by the Authority aforesaid, That the Commissioners of each District, or any Three of them, shall, every Three Months, issue their Warrant in the Nature of an Execution, under their Hands and Seals, directed to any Constable, requiring him to levy on the Goods and Chattels or Slaves of the Defaulter or Defaulters, for all Fines and Forfeitures to be incurred by virtue of this Act; and the said Constable is hereby authorised and required forthwith to levy and distrain on the said Goods and Chattels or Slaves of such Defaulter or Defaulters, sufficient to satisfy and pay the said Execution, with all Charges thereon; and the said Goods or Chattels or Slaves shall be sold by the said Constable at Publick Outcry in the Town of *Scarborough*, within Ten Days after such Levy, Publick Notice thereof being first given; and the Overplus (if any) of the Monies arising by such Sale, the said Fines and Forfeitures, and all reasonable Charges, being first deducted, shall be paid into the Hands of the Person or Persons upon whose Property such Levy shall have been made, or their Representatives, if present, otherwise into the Publick Treasury, as herein-after mentioned, until they shall appear.

XIII. AND it is hereby enacted by the Authority aforesaid, That all Fines and Forfeitures incurred by virtue of this Act, shall be for the Use of His Majesty, His Heirs and Successors, and paid into the Publick Treasury of this Island, to be applied to the Publick Roads in the several Parishes where the Penalties shall have been incurred.



C A P. XIX.

*An Act for continuing the Establishment of a Militia in this Island, and for making Regulations with regard to the Order, Discipline, and good Government thereof.*

Cap. 19.

Passed in 1773.

WHEREAS it is absolutely necessary for the Peace and Safety of this Island, that the Inhabitants thereof be trained to the Use of Arms, under the Establishment of a well regulated Militia, which, by its good Order and Discipline, may not only contribute to the Honour, Dignity, and Support of Government, but also to the Defence and Security of the Colony against foreign Invasions and intestine Insurrections: We therefore, Your Majesty's most dutiful and loyal Subjects, the Governor and Commander in Chief of Your Majesty's Southern *Caribbee* Islands, and the Council and Assembly of this Island of *Tobago*, do most humbly pray Your most Excellent Majesty that it may be enacted and ordained; And be it, and it is hereby enacted and ordained by the Authority aforesaid,

Preamble.

I. THAT the Officers and Private Men of the Battalion and Troop already established by virtue of an Act, intituled, *An Act for establishing and regulating a Militia in this Island*, made and passed in the Eleventh Year of His Majesty's Reign, and now about to expire, be, and they are hereby directed to do Duty in their respective Stations, in the same Manner as if the same Act remained in full Force and virtue.

The former Establishment of the Militia continued.

II. AND be it further enacted, That within Fifteen Days from the Publication of this Act, every White Man, Inhabitant of this Island, from the Age of Fifteen to the Age of Sixty-five (who has not already enlisted); and every Male Person of the same Age, who shall hereafter come to the Island, (within Thirty Days after his Arrival) do and shall enlist himself, by giving in his Name to the Commanding Officer of the Company raised in that District where he shall reside; under the Penalty of Three Pounds Six Shillings for such Default; and under the Penalty of Five Pounds for every succeeding Thirty Days he shall neglect so to enlist.

Every White Man, from the Age of 15 to 65, to enlist in his own District, within 15 Days from the Publication of this Act, and every Stranger within 30 Days after his Arrival.

Penalty in case of Default, 3 *l.* 6 *s.* and for every succeeding 30 Days he shall neglect, 5 *l.*

III. AND be it further enacted by the Authority aforesaid, That the Inhabitants of this Island continue, for the present, formed into a Regiment of Foot, and Troop of Horse; which Regiment shall consist of Seven Companies, each Company to be composed of the Inhabitants residing in each and every Parish respectively; and the Troop shall consist of a Number of Gentlemen from different Parts in the Island, not exceeding Thirty-two, to be chosen by the Governor or Commander in the Island, and the Council.

The Inhabitants to be formed in a Regiment of Foot and Troop of Horse. Regiment to consist of 7 Companies; One of which to be raised in every Parish respectively; and the Troop of 32 Gentlemen, to be chosen by the Governor and Council from different Parts of the Island.

IV. AND be it further enacted, That the Companies of the Regiment shall meet to exercise Once in every Month, at their respective Parades herein-after mentioned, from Seven o' Clock in the Morning to Ten; and every Officer, Non-commissioned Officer, and Private Man, who shall absent himself from the Place of Parade, or shall not appear by Eight o' Clock, shall be fined as follows; *viz.* Every Captain, Three Pounds Six Shillings; Every Subaltern, Two Pounds Two Shillings; every Serjeant, Thirty Shillings; every Corporal, Twenty Shillings; and every Private Man, Sixteen Shillings and Sixpence. But no Person shall be subject to pay more than One Fine, should the Officer neglect to issue his Warrant regularly.

The Regiment to meet and exercise on their respective Parades Once in every Month, from 7 to 10 in the Morning.

Penalty in case of Non-appearance by 8:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Captain	3	6	0
Subaltern	2	2	0
Serjeant	1	10	0
Corporal	1	0	0
Private Man	0	16	6

H

V. AND



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How to be accoutred on  
Parade Days;

Every Officer, Non-commissioned Officer, and Private Man, who shall not appear after the Arrival of the Arms, &c. in the Clothes, Arms, and Accoutrements of the Colony, after getting due Notice thereof from the Commanding Officer, shall incur the Penalty of Non-appearance, according to his Rank.

Treasurer to issue the Arms and Clothing, whenever they shall be lawfully demanded by the Commanding Officers or Private Men, upon their paying Prime Cost and Charges, with a Commission of 5 per Cent. on delivering out the same.

## Proviso.

Persons not able to purchase the Clothes and Accoutrements, to get a Certificate of their Inability from their Commanding Officer, which shall be a Voucher to the Treasurer to deliver them gratis.

Indented Servants having under 20*l.* Sterling Wages, to be supplied with Arms at the Expence of their Masters, &c. to whom the Arms shall belong.

Other Servants, who shall not be able to purchase, to be supplied in like Manner.

Supernumerary Arms returned in good Order to the Treasurer to be allowed the original Cost.

Every Officer, Non-commissioned Officer, and Private Man, to appear on the Parade (after Notice given of the Arrival of the Arms) with One of the Colony Firelocks, Bayonet, Cartouch-Box;

Cartridges at the Discretion of the Commanding Officer;

under the Penalty of Non-appearance.

V. AND be it further enacted, That every Officer, Non-commissioned Officer, and Private Man of the Battalion, shall, on all Field Days, and Times of Parade, on Alarms, and on actual Service, appear clothed and accoutred in the Manner described by an Act intituled; "An Act for altering and amending the Fourth Clause of the Act intituled, *An Act for establishing and regulating a Militia in this Island*;" and after the Arrival of the Arms and Clothing, ordered by the Treasurer on the Publick Account from *Europe*, every Officer, Non-commissioned Officer, and Private Man, who shall not appear properly clothed and accoutred, with the Clothes, Arms, and Accoutrements of the Colony, (if the same are to be procured out of the Treasury), after getting due Notice thereof from his Commanding Officer on any publick Parade Day previous to the Time or Times of his Appearance, shall forfeit and incur the Penalty for Non-appearance, according to the Rank he shall hold. And the Treasurer is hereby directed to issue the said Arms and Clothing to the Officers and Private Men of each Company, whenever they shall be lawfully demanded either by the Commanding Officers of Companies, or the Private Men, upon his or their paying for each Stand or Set of Arms, Clothing, and Accoutrements, the Prime Cost and Charges thereof, in ready Gold and Silver Money, at the Rate of One Hundred and Sixty-five *per Cent.* with a Commission of Five *per Cent.* on delivering out the same.

PROVIDED always, That any Person who shall not be able to purchase such Clothes and Accoutrements, shall apply to the Commanding Officer of the Company to which he belongs, and satisfy him of such his Inability upon Oath, then such Commanding Officer is authorized and directed to give a Certificate, directed to the Treasurer, requiring him to furnish such Person with Clothes, Arms, and Accoutrements *gratis*; and such Certificate shall be a Voucher to the Treasurer in passing his Accounts.

VI. AND be it further enacted by the Authority aforesaid, That all indented Servants, having under Twenty Pounds Sterling Wages *per Annum*, shall be furnished with Clothes, Arms, and Accoutrements as aforesaid, at the Expence of their respective Masters, Mistresses, or Employers, to whom the said Clothes, Arms, and Accoutrements shall belong: And all other indented or hired Servants, who shall not be able to purchase Clothes, Arms, and Accoutrements, as by this Act required, shall be in like Manner furnished with such Clothes, Arms, and Accoutrements, at the Expence of their respective Masters, Mistresses, or Employers, who shall retain the same out of their Wages, if any are due; or in case there be nothing due, then such Clothes, Arms, and Accoutrements, shall belong to such Masters, Mistresses, or Employers: And all Persons who shall have paid for their Arms, and shall leave the Island, or have supernumerary Arms, shall be entitled to receive the original Cost, on returning them in good Order to the Treasurer.

VII. AND be it further enacted, That every Officer, Non-commissioned Officer, and Private Man, of each respective Company, shall always appear on the Parade, after Notice given of the Arrival of the Arms and Clothing as aforesaid, armed with One of the Colony Firelocks (if the same are to be procured as aforesaid) clean and in good Order; a Bayonet and Cartouch Box, with either Eighteen Rounds of Light Cartridges for common Exercise, or Eighteen Rounds of Ball Cartridges, at the Discretion of the Commanding Officer; also a Tin Primer, filled with Powder, and Two spare Flints, under the Penalty to be incurred for Non-appearance according to his Rank.

VIII. AND



VIII. AND whereas it is of the utmost Importance that the Militia of this Island be regularly disciplined and trained to the Use and Exercise of Arms, be it, and it is hereby enacted by the Authority aforesaid, That the Adjutant employed for that Purpose, upon producing a Certificate to the Publick Treasurer, attested by the Commanding Officer of the Battalion, and by the Captains or Commanding Officers of the several Companies, of his having acted and acquitted himself to their Satisfaction in that Office for any certain Time, shall be entitled to receive, and the Publick Treasurer is hereby authorised and required to pay the Adjutant, out of the Monies of the Publick not otherwise already appropriated, in Quarterly Payments, upon Sight of such Certificate, a Salary for the Time he shall have so acted, at and after the Rate of One hundred Pounds Sterling *per Annum*: And to the End that the Exercise to be observed and practised by the Militia Troops of this Island may be uniform, and agree with that of His Majesty's Regular Forces, in case of being at any Time joined with them on Service, be it further enacted by the Authority aforesaid, That the Manual Exercise, Order, and Regulations of the Militia, shall, in every Respect, be in Conformity to the established Practice, Rules, and Exercise of His Majesty's Regular Troops; and the Officers are accordingly to procure Books of the Exercise and Regulations of the Army, the better to perfect themselves in a Knowledge thereof.

IX. AND be it also enacted by the Authority aforesaid, That out of the first Monies that shall be in the Treasury, after paying the different Appropriations already appropriated, the Treasurer is hereby required and directed to pay unto the Adjutant the Sum of One hundred Pounds Sterling for his Trouble in exercising the Militia Troops during the Year One thousand seven hundred and Seventy-two, upon shewing an Order from the Governor or Commander in Chief for this Island for the Time being.

X. AND be it further enacted, That the Governor or Commander in the Island for the Time being, by and with the Advice of His Majesty's Council, shall and may chuse out and appoint a Number of Gentlemen from the different Parts of the Island, not exceeding Thirty-two, to be formed into a Troop; and the said Persons, so appointed, shall provide themselves with a good Riding Gelding or Mare, of Thirty Pounds Value at least, (to be ascertained by Two Commissioned Officers of the Troop) a good Saddle, Bridle, Crupper, Bucket, and Strap Holsters; Red Housing, and Holster Caps; Breast-Plate and Leather Halters; Sling and Swivel, with a good Carabine and Bayonet; a Case of good Pistols, of the same Bore with the Carabine; a Cartouch Box, containing Twenty-four Cartridges with Ball; and a Basket-hilted Sword, Two Feet and an Half long in the Blade; and who shall appear on all general Field Days, at all Times of Parade, and on Alarms, in the following Uniform, *viz.* The Officers in a short Red Cloth Coat, faced with Blue, and a small Blue Cloth Cuff and Cape, trimmed with Yellow Metal Buttons; a plain Gold Lace, of Three Quarters of an Inch Broad, (and the same Lace on the Housing and Holster Caps;) Gold Epaulets on the Shoulders; White Waistcoats and Breeches; Top-Boots; a plain Black Hat and Gold Button and Loop, with a Cockade, and a Sash and Gorget: And the Private Gentlemen in a short Red Cloth Coat faced with Blue, and a small Blue Cloth Cuff and a Cape trimmed with Yellow Metal Buttons, and the Button Holes bound with a neat Gold Binding; Gold Epaulets on the Shoulders; White Waistcoats and Breeches; Top Boots; a plain Black Hat and Cockade,

with

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Adjutant, on producing a Certificate, attested by the Commanding Officer of the Battalion and by the Captains of the several Companies, to the Publick Treasurer, to receive, for the Time he shall have acted, out of the Publick Money, at the Rate of 100*l.* Sterling *per Annum*.

Exercise, Order, and Regulation of the Militia to be the same with that of His Majesty's Regular Troops.

Officers to procure Books of the Army Exercise.

Treasurer ordered to pay the Adjutant 100*l.* Sterling out of the Monies not otherwise appropriated, for exercising the Militia in the Year 1772.

Gentlemen of the Horse, not exceeding 32, to be chosen by the Governor and Council.

How to be equipped.

Description of the Dress of the Officers of the Troop:

For the Privates of the Troop.



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Troop to be commanded by a Field Officer, Two Subalterns, and an Adjutant.

To be divided into Four Squads, One to meet every Fortnight, and the whole Troop Once in 2 Months, under the Penalty of,

Field Officer	-	6	12
Subaltern	-	3	6
Private Trooper	-	1	12

Commanding Officers to make Field Returns of their respective Troops or Companies, within 15 Days after each Meeting, to the Colonel or Commanding Officer of the Regiment.

Penalty 5 l.  
How to be levied.

Colonel, or Commanding Officer of the Regiment or Troop, to transmit them to the Commander in Chief Once in 3 Months.

Penalty 10 l.  
How to be levied.

Companies when to meet, and where.

Regimental Meetings, how to be held.

Officers, Captains, Subalterns, Non-commissioned Officers, and Private Men of the *St. Patrick's*, *St. David's*, and *St. Andrew's* Companies, to be reviewed on the 10th December every Year, at *Little Rockly Bay*:

The *St. George's*, *St. Mary's*, and *St. Paul's*, on the 20th Day of November, at *Great River Bay*:

And the Officers, and One Half of the Private Men of all the Companies, on the 18th of January every Year, at *Hillsborough Bay*.

Proviso: If any of the above Days should happen to be on a Sunday, shall be on the Monday after.

with Gold Button and Loop; with Housing and Holsters uniform with the Officers.

AND be it further enacted, That the Troop to be formed as above directed, shall be commanded by a Field Officer, Two Subalterns, and an Adjutant, over and above the Number herein before-mentioned; and that it shall be divided into Four Squads, One of which shall meet every Fortnight, and the whole Troop Once in Two Months, at such Place as the Governor or Commander in the Island shall direct, under Penalties for Non-appearance, or for not being properly accounted as aforesaid, hereafter-mentioned, viz. For a Field Officer, Six Pounds Twelve Shillings; a Subaltern, Three Pounds Six Shillings; and a Private Trooper, Thirty-three Shillings.

XI. AND be it further enacted by the Authority aforesaid, That every Captain, or in his Absence the Commanding Officer of each Troop or Company, shall, within Fifteen Days after each Meeting, make a Field Return of his Troop or Company to the Commanding Officer of the Regiment or Troop, signed by himself and the other Commissioned Officers present (if they think proper), specifying the Number of Men that did appear, and the Names of the Absentees and Defaulters, under the Penalty of Five Pounds, to be levied by Warrant under the Hand and Seal of the Commanding Officer of the Regiment or Troop, to be directed to the Adjutant; which said Field Returns, or Copies thereof, shall be transmitted by the Commanding Officer of the Regiment or Troop to the Commander in Chief in the Island for the Time being Once in every Three Months, under the Penalty of Ten Pounds, to be levied by Warrant under the Hand and Seal of the Governor or Commander in Chief in the Island, directed to the Provost Marshal or his Deputy.

XII. AND be it further enacted by the Authority aforesaid, That each Company shall meet at their respective Places of Parade on the following Days; that is to say, On the First Saturday of every Month, the *Saint Patrick's* Company at the Point to the North-eastward of *Buccoo-Bay*, and the *Saint Mary's* Company on the *King's Three Chains* in *Little-Dog-River Bay*; on the Second Saturday in every Month, the *Saint John's* Company at *Tyrrel's Bay*, and the *Saint Andrew's* Company at *Rockly Bay*; on the Third Saturday in every Month, the *Saint David's* Company at *Courland Point*, and the *Saint Paul's* at *Prince's Bay*; and on the Fourth Saturday in every Month, the *Saint George's* Company at *Hillsborough Bay*.

AND as a Review of the whole Regiment may be inconvenient and improper, because thereby the Plantations may be deprived for a Day of all the White People thereon, be it enacted, That the Field Officers of the Battalion, and the Captains, Subalterns, Non-commissioned Officers, and Private Men of the *Saint Patrick's*, *Saint David's*, and *Saint Andrew's* Companies, shall be reviewed at *Little-Rockly Bay*, on the Tenth Day of December in each and every Year; and the Field Officers of the Battalion, and the Captains, Subalterns, Non-commissioned Officers, and Private Men of the *Saint George's*, *Saint Mary's*, and *Saint Paul's* Companies, shall be reviewed at *Great River Bay*, on the Twentieth Day of November in each and every Year; and the Field Officers, Captains, and Subalterns of all the Companies, and One Half of the Private Men, shall be reviewed at *Hillsborough Bay*, on the Eighteenth Day of January in every Year: Provided always, That if any of the Days above-mentioned should happen to fall on a Sunday, the Review shall be deferred till the Monday following; and in case any Officer,



Officer, Non-commissioned Officer, or Private Man, shall absent himself from any of the said Reviews, after having due Notice thereof from his Commanding Officer, he shall forfeit and be fined in the following Sums; that is to say, Every Field Officer in the Sum of Thirteen Pounds Four Shillings; every Captain in the Sum of Six Pounds Twelve Shillings; every Subaltern in the Sum of Four Pounds Four Shillings; every Serjeant in the Sum of Three Pounds; every Corporal in the Sum of Two Pounds; and every Private Man in the Sum of Thirty-three Shillings. Provided nevertheless, and to the Intent and Meaning that no Plantation shall be left at any Time without One proper and discreet Person thereon, be it further enacted by the Authority aforefaid, That at all and every Regimental and Monthly Meetings, or Days of Parade, the Proprietor (not being an Officer) or Manager shall be and remain on the Plantation or Estate to which he belongs; and in case the Proprietor shall be an Officer, then and in such Case the Manager or Principal Overseer shall be and remain on the Plantation as aforefaid: Provided always, That the Proprietor, Manager, or Principal Overseer, shall not be left at Home Two successive Meetings, but that they shall appear alternately at the Place of Parade.

XIII. AND be it further enacted by the Authority aforefaid, That every Defaulter for Non-attendance shall pay the Penalty inflicted by this Act on the next Field Day after the same shall be incurred; and in case of Refusal or Neglect, it may and shall be lawful for every Captain, or Commanding Officer of the Troop or Companies, to issue out his Warrant to a Serjeant or Corporal for levying the Fines and Forfeitures incurred by the Absentees or Defaulters mentioned in the Field Return; which Warrant the said Serjeant or Corporal is hereby authorised and required to execute by Attachment and Sale of the Goods, Chattels, and Effects of the Delinquent or Delinquents, in the same Manner as the Marshal of the Courts and Constables are impowered to do in such Cases by the Laws of this Island; and in case the Serjeant or Corporal shall not be able to find Estate or Effects of the Delinquent sufficient to satisfy the said Penalty and Charges, then to arrest the Body of the Delinquent, and him to convey to the Common Gaol of this Island, there to be kept in safe Custody for Two Days, or until Satisfaction shall be made of the said Penalty and Charges: And it is hereby enacted, That no One shall be excused without shewing sufficient Cause, which may be occasioned by Absence from the Island, or Sickness, which latter shall be certified under the Hands of the Physician or Surgeon that attended such Absentee, or by such other Person as shall be satisfactory to the Commanding Officer; which Certificate shall be sworn to, if required by the Commanding Officer as above-mentioned; or such other Causes as shall be allowed by the Commanding Officer of the respective Companies or Troop there present: And that Once in every Six Months every such Captain or Commanding Officer shall make a Return to the Commanding Officer of the Regiment and Troop of the Fines and Forfeitures he shall have received, and in case he has excused any Absentee or Defaulter, he shall mention in his Return his Reason for so doing, under the Penalty of Five Pounds, to be levied by Warrant under the Hand and Seal of the Colonel or Commanding Officer of the Regiment or Troop, to be directed to the Adjutant; and the Commanding Officers of the Regiments and Troop are hereby directed and required, Once in every Year, to transmit the Returns of the Fines and Forfeitures (as before ordered to be made to them, or true Copies thereof) to the Commander in the Island, under the Penalty of Fifty Pounds, to be levied under the Hand and Seal of the Governor or Commander

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Penalties on Non-attendance at the said Meetings:

	l.	s.
Field Officer	13	4
Captain	6	12
Subaltern	4	4
Serjeant	3	0
Corporal	2	0
Private Man	1	13

Proviso:  
That no Plantation be left without One proper and discreet Person thereon.

Manner of levying the Penalties.

No One to be excused without sufficient Cause, such as Absence from the Island or Sickness; which last to be certified by the Doctor upon Oath, if required.

Once in Six Months Captain to make a Return to the Commanding Officer of the Fines and Forfeitures, and mention his Reason for excusing any Absentee or Defaulter.

Penalty 5 l.

Commanding Officer of the Regiment and Troop to make such Returns Once a Year to the Commander in Chief.

Penalty 50 l.

How to be levied.



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Other Fines and Forfeitures, how to be levied.

Privates refusing to be Non-commissioned Officers,

Penalty 10*l*.

One Third of the Fines to be paid to the Person collecting them,

the other Two Thirds to be applied to defraying the Contingencies.

Commanding Officer of the Regiment or Troop to be accountable for them Once every Year.

Penalty 50*l*.

How to be levied.

Proviso:  
The Marshal to be allowed no more than his usual Fees in levying Fines.

Persons having no Effects whereon to levy, and refusing to pay the Fines, to be imprisoned, at the Discretion of a Court Martial, not exceeding 10 Days.

Disobedience or Contempt of Orders to be fined, at the Discretion of a Court Martial, not exceeding 20*l*.

or punished by Imprisonment, not exceeding 20 Days.

Proviso:  
No Court Martial to sentence the Militia Forces in Life or Limb, or to inflict any corporal Punishment, except in Time of Martial Law.

Court Martial, how to be held.

Of what Officers to consist.

mander in the Island for the Time being, directed to the Provost Marshal or his Deputy.

XIV. AND be it further enacted by the Authority aforesaid, That all Fines and Forfeitures incurred by Delinquents in the Regiment or Troop by virtue of this Act, and not directed by whom to be levied, shall be done by a Warrant, issued under the Hand and Seal of the Commanding Officer of the Regiment or Troop, directed to the Adjutant of the respective Corps, or to any Commissioned Officer of the respective Corps under the Rank of a Captain: And all Fines and Forfeitures that shall be incurred by virtue of this Act, shall be levied by the Persons to whom the Warrant shall be directed, by Distress and Sale of the Offender's Goods and Chattels.

XV. AND be it further enacted by the Authority aforesaid, That every Private Man who shall refuse to act as a Serjeant Major, Serjeant, or Corporal, after being appointed by his Commanding Officer, shall forfeit the Sum of Ten Pounds, to be levied as before directed.

XVI. AND be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, arising from the said Fines and Forfeitures, shall be paid into the Hands of the Commanding Officer of the Regiment and Troop, who, after paying One Third to the Persons who are by this Law intitled to collect and levy the same, shall retain the other Two Thirds in his Hands towards the defraying the Contingencies of the Regiment and Troop; and that he shall Once in every Year account for the same with the other Officers of the Regiment and Troop, in the Presence of the Governor or Commander in the Island for the Time being, under the Penalty of Fifty Pounds, to be levied under the Hand and Seal of the Governor or Commander in the Island for the Time being, directed to the Provost Marshal or his Deputy. Provided always, That when the Provost Marshal shall levy a Fine, he shall be entitled to receive no more than his usual Fee, which he is hereby empowered to levy for, over and above the Amount mentioned in the Warrant; any Thing herein before-mentioned to the contrary in anywise notwithstanding.

XVII. AND be it enacted by the Authority aforesaid, That if any Person, having no Goods or Chattels whereon to levy, shall absolutely refuse to pay the Fines and Forfeitures which he or they may incur by virtue of this Act, he shall suffer for Nonpayment of such Fines Imprisonment, at the Discretion of a Court Martial, not exceeding Ten Days, and any Person neglecting, contemning, or disobeying the lawful Commands of his Superior Officer, shall, for every such Offence, be fined in and forfeit such a Sum as a Court Martial shall adjudge, not exceeding Twenty Pounds; and in case of Refusal, or Want of Effects whereon to levy, he shall be imprisoned at the Discretion of a Court Martial, not exceeding Twenty Days: Provided nevertheless, That it shall not be lawful for any Court Martial to sentence or adjudge, for any Cause whatsoever, any of His Majesty's Militia Forces in this Island in Life or Limb, or to inflict any corporal Punishment whatsoever, except for Misbehaviour during such Time as Martial Law shall be in Force.

XVIII. AND be it further enacted and ordained by the Authority aforesaid, That it shall and may be lawful for the Commander in Chief in this Island for the Time being, from Time to Time, to grant a Commission to any Officer, not under the Degree of a Field Officer, for holding a General Court Martial within this Island; and that no General Court Martial shall consist of a less Number than Seven Officers, One or more of whom shall be a Field Officer or Officers; and



and that it shall and may be lawful for the Commanding Officers of the Regiment or Troop to call a Regimental Court Martial, which Court shall consist of no less than Five Officers, One or more of whom shall be a Captain; and that in all Trials of Offenders by Court Martial, every Officer present at such Trial, before any of the Proceedings be had thereon, shall take the following Oath before the Court, *viz.*

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*YOU shall well and truly try and determine, without Partiality, Favour or Affection, according to the Evidence, between our Sovereign Lord the King and the Person to be tried. So help you God.*

Oath to be administered to the Members before the Court.

XIX. AND whereas it may sometimes happen that Persons may behave in an indecent or improper Manner at the Drill or Parade, by refusing to obey the Orders of their Commanding Officer, or using insolent Expressions or Gestures; and whereas it is proper that such bad Behaviour should be punished in a summary Manner, be it enacted, That the Commanding Officer of such Parade, where such bad Behaviour may be committed, shall summon the Three nearest Officers, One of whom shall be the Captain or Commanding Officer of the next Parish, (which Summons they are hereby required to obey) to hear and determine the Matter; and these Three Officers shall have Power to punish by a Fine, not exceeding Ten Pounds; or in case of the Delinquent or Delinquents not being able to pay such Fine, then him or them to commit to the Common Gaol of the Island, for any Time not exceeding Ten Days; and in case the said Delinquent shall refuse to obey the Summons for his appearing, he shall be punished (if the Complaint shall be found just) in the same Manner as above ordered, and the Fine hereby imposed shall be levied according to the Method prescribed for levying the other Fines imposed by this Act.

Persons behaving in an indecent or improper Manner at the Drill or Parade,

Commanding Officer of such Parade to summon the Three nearest Officers, One of whom shall be a Captain, to hear and determine the Matter;

and impowered to punish by Fine, not exceeding 10 l. or Imprisonment, not exceeding 10 Days.

Delinquents, refusing to obey such Summons, to be punished as before ordered.

Fines how to be levied.

XX. AND whereas it may be attended with bad Consequences to entrust Slaves with Arms and Ammunition to be carried by them to and from the Alarm Post and Places of Parade on their Monthly and Yearly Meetings, whereby several fatal Accidents may happen through the Negligence or Licentiousness of Slaves carrying the same, be it therefore, and it is hereby enacted by the Authority aforesaid, That every Commissioned Officer, Non-commissioned Officer, and Private Man, in the Horse and Foot Militia in this Island, shall carry his own Arms and Ammunition to and from the Alarm Post or Place of Parade at which he shall be obliged to appear, under the Penalty of Non-attendance according to his Rank.

Preamble.

All Officers and Privates to carry their own Arms and Ammunition to and from the Parade.

Penalty as for Non-attendance according to his Rank.

XXI. AND be it further enacted by the Authority aforesaid, That no Apprentice or Servant, who shall live at the Distance of Two Miles or more from the Field or the Place of his Parade, shall be obliged to travel into the Field on Foot on any exercising Field Day, but shall be furnished by his Master or Mistress with a Horse or Mule, well broke, with a Bridle and Saddle, under the Penalty imposed by this Act for Non-appearance at the Monthly Meeting, to be levied on the Master or Mistress of such Apprentice or Servant, in the same Manner as for Absence on Parade Days or Monthly Meetings.

No Servant to be obliged to travel on Foot above Two Miles to or from the Parade, but to be furnished with a Horse or Mule by his Master, under the Penalty imposed for Non-appearance.

XXII. AND be it enacted, That the Proprietors, Possessors, or Renters of Estates, or their Attornies or Managers, shall be obliged to keep Two spare Muskets, with all the other Accoutrements as mentioned in the Seventh Clause of this Act, over and above those for themselves and indented Servants having under Twenty Pounds Sterling Salary *per Annum*; and that every Commissioned and Non-commissioned Officer, and every Private Man, shall have, at the Place of their Abode, Two Pounds

Proprietors of Estates to keep Two spare Muskets and Accoutrements, over and above their own and Servants Arms.

Officers and Privates to have, at their Place of Abode, 2 Pounds of Gunpowder and 6 Pounds of Ball, suited to the Bore



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of the Musket, to be produced, if required, on Field Days.  
Penalty 20s.

Officers to be Proprietors of Estates in this Island, or Annuitants of at least 100*l.* Revenue, issuing out of real Estate, or Persons formerly Commissioned Officers in the Army.

Officers to qualify themselves, in Three Months from the Date of their Commissions, by taking the State Oaths.

No Person to depart from the Company without a Certificate (under the Penalty of 40*s.*) from his Commanding Officer, to be lodged in the Hands of the Commanding Officer to which he removes.  
Penalty, on Commanding Officer's refusing to grant such Discharge, 5*l.*

In the Time of Martial Law, Strangers to be subject to this Act.

Proprietors of Estates to keep as many Mules or Horses as White Servants,

to be sent wherever they are ordered in case of Alarm:

And also One spare Horse or Mule, with Crook and Pack Saddle, for every Fifty Negroes.  
Penalty 5*l.*

Negroes, Horses, or Mules, killed, maimed, lost, or damaged, in the Publick Service, to be paid for out of the Publick Treasury.

Pounds of good Gunpowder, and Six Pounds of Ball suited to the Bore of their Musket, on the Penalty of Twenty Shillings for such Default; and that such Powder and Ball shall be produced at Field Days, when required by their Commanding Officer, (on due Notice being given) under the Penalty of Twenty Shillings for each Default.

XXIII. AND be it enacted by the Authority aforesaid, That no Person whatsoever shall hold any Commission in the Militia by this Bill to be established, unless he shall possess or be entitled unto some Estate or Estates, either in Fee Simple, Fee Tail, General or Special, or in Right of his Wife, in Land, Houses, or Slaves, in the said Island of *Tobago*, or be entitled to an Annuity of at least One Hundred Pounds *per Annum*, issuing out of such Lands, Houses, or Slaves: Provided always, That Persons who have borne a Commission in His Majesty's Army shall be entitled to hold a Commission in the Militia of this Island, in the same Manner as a Freeholder or Annuitant as hereinbefore mentioned, any Thing to the contrary in this Clause in anywise notwithstanding.

XXIV. AND be it enacted by the Authority aforesaid, That every Person who shall obtain a Commission in the Troop of Horse, or in the Militia Regiment, or in any of the Forts or Fortifications, shall qualify himself by taking the Oaths, commonly called the State Oaths, and subscribing the Test, before the Governor or Commander in the Island, within Three Calendar Months after the Date of such Commission, or the same shall be absolutely void, as if it never had been granted, from and immediately after the Expiration of such Three Calendar Months.

XXV. AND be it further enacted by the Authority aforesaid, That no Person enlisted, as before-mentioned, in any Company, shall depart without a Certificate from the Commander of the Company wherein listed; which Certificate he shall lodge in the Hands of the Commanding Officer of that District into which he removes, before the next Field Day, on Penalty of Forty Shillings; and no Commander of any Company shall refuse, when desired, to give a Discharge in Writing to any Person that is removing from his Place of Abode out of the District, under the Penalty of Five Pounds.

XXVI. AND be it further enacted by the Authority aforesaid, That in all Times of general Alarms, by Night or by Day, when Martial Law is in Force over all Persons resident in this Island, that all Strangers and transient Persons, being on this Island, and within any of the Ports, Roads, or Harbours thereof, and not belonging to any of His Majesty's Ships of War or Troops, shall be subject to this Law.

XXVII. AND be it further enacted and ordained by the Authority aforesaid, That all Proprietors or Renters of Estates, and other Persons having White Servants, shall keep as many Horses or Mules, broke to the Saddle, as they do keep White Servants; and in case of Alarm, shall be obliged to send such Horses or Mules to the Alarm Post, or usual Place of Parade, or wheresoever they shall be so ordered, within the Parish, with good Saddles and Bridles; and that they shall also send One Spare Horse or Mule, with a good Crook, and a Pack-Saddle, for every Fifty Negroes they shall be possessed of, under the Penalty of Five Pounds for every Deficiency; and the said Mules and Horses so sent, shall be made use of for mounting such of the Militia-Men as may be unprovided, and for any immediate Service the Commanding Officer present shall find necessary.

XXVIII. AND be it further enacted by the Authority aforesaid, That all Negroes, Horses, or Mules, that shall be provided in case of Alarms, or other immediate Service in consequence of this Act, which shall be killed,



killed, maimed, lost, or damaged, in the Publick Service, shall be paid for out of the Publick Treasury of this Island, and that the Value of such Negroes, Horses, or Mules, shall be ascertained on the Oath of Two Freeholders, or other creditable Persons, (by whom they are well known) before any Magistrate or Magistrates, which said Magistrate shall grant a Certificate thereon under his Hand, directed to the Governor, or Commander in the Island for the Time being, who is hereby impowered to issue out an Order to the Treasurer for Payment of the Amount specified in the said Certificate.

XXIX. AND be it further enacted by the Authority aforesaid, That no Person whatsoever, going to, being at, or returning Home from his Duty, in the Field, or any exercising Day, or being on any Service by virtue of this Act, shall be subject or liable to have his Body taken in Arrest by any Process of Law, or Writ issuing upon any Civil Action or Suit whatsoever.

XXX. AND be it enacted by the Authority aforesaid, That if any Person, upon any Invasion, or other Publick Military Service, shall be wounded or disabled, he shall be cured and maintained at the Publick Cost; and if any Person, who is a married Man, or hath a Family, shall be killed, or rendered incapable of maintaining his Family by Wounds or other Accidents in the Service of the Publick, his Wife and Family shall be provided for at the Publick Expence, in such Manner as shall be adjudged requisite and necessary by the Legislature of this Island, adequate to the Station of such Person so killed or maimed as aforesaid.

XXXI. AND whereas in Cases of absolute Necessity, the proclaiming of Martial Law will become unavoidable; be it, and it is hereby enacted by the Authority aforesaid, That at all such Times the Militia of this Island shall be subject to the Articles of War made for the Government of His Majesty's Regular Forces; and all Persons making False Alarms, shall be punished at the Discretion of a Court-Martial. Provided always, and it is the Intent and Meaning of this Act, That all Offenders under Condemnation by virtue of any Sentence which the Articles of War shall extend to Life or Limb, shall be respited until the Orders and Directions of his Excellency the Governor, or Commander in Chief for the Time being, shall be had thereon.

XXXII. AND be it further enacted by the Authority aforesaid, That at all Times during Martial Law, it shall be lawful for the Governor, or Commander in the Island for the Time being, by and with the Advice and Consent of a Council of War, to command any Number of Slaves, belonging to the Inhabitants of this Island, that may be necessary, not exceeding One Fourth, to work on Trenches, Ambuscades, Paths, or any Publick Work necessary for the immediate Defence of the Island, or to distress, surprize, or defeat the Enemy; any Law, Custom, or Usage to the contrary notwithstanding.

PROVIDED always, and it is hereby directed and required, That the Officer or Officers who shall have the Charge or Direction of such Slaves, shall keep a regular Account of the Number so called out, and to whom they belong, and the Time they shall be so employed; that proper Satisfaction may be made by the Publick to the Owner or Renter thereof: And the Number of Slaves so called for and employed, shall be equally proportioned to the respective Gangs belonging to the Inhabitants of this Island, or of such Parish or Parishes nearest to where the Work is to be performed, as the Governor, or Commander in the Island, by and with the Consent of a Council of War, shall think fit.

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Value how to be ascertained.

Persons upon Duty, or going to or returning from the Parade, exempted from Arrests.

Persons maimed in the Publick Service, to be cured and maintained at the Publick Cost. If a married Man be killed, or rendered incapable of maintaining his Wife and Family, they shall also be provided for.

In Time of Martial Law, the Militia to be subject to the Articles of War.

Penalty for making false Alarms.

Proviso. Offenders under the Sentence of Death, to be respited till the Governor in Chief's Orders be had.

In Time of Martial Law, Governor, or Commander in Chief, to order out Slaves upon the Publick Works, not exceeding One Fourth belonging to the Inhabitants.

Proviso. Officers to keep an Account of the Negro Labour, that Satisfaction may be made to the Owners.



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Upon less urgent Occasions, the Governor, with the Advice of his Majesty's Council, without proclaiming Martial Law, to call out a Part of the Militia, to be under the same Discipline as if Martial Law subsisted, until the Occasion subsides :

And also to call out Horses, Mules, and Slaves,

whose Time of Service is to be kept an Account of,

No Officer or Private Man, so called out, to be obliged to remain on Duty more than 14 Days ;

so that the Whole Regiment or Troop may take their Tour of Duty in Succession.

In case of any Person's Removal into another Company or Troop, his Service to be certified, that he may not be ordered upon Duty out of his Turn.

Provisions to be carried by Negroes, or Mules, or sent by Sea, as Occasion may offer.

In case of Parties wanting Provisions, Commanding Officer to supply his Party from the neighbouring Plantations,

XXXIII. AND whereas the Intent and Meaning of this Act is to secure the Inhabitants against internal as well as external Danger, and also to support and protect the Credit and Property thereof, which is ever greatly wounded by the Declaration of Martial Law ; and whereas it may frequently happen that a small Number of runaway and disobedient Slaves may make it convenient to call out Part of the Militia of this Island, in order to curb their Insolence, and prevent their growing more bold and daring, without its being necessary to have the Whole Militia put under Arms ; be it therefore enacted and ordained by the Authority beforementioned, That without a Proclamation or Declaration of Martial Law, it shall and may be lawful for the Governor, or Commander in Chief on the Island for the Time being, by and with the Consent of his Majesty's Council, to issue his Orders to the several Commanding Officers of the Regiment or Troop, to call out and embody a certain Number of Officers, Non-commissioned Officers, and Private Men, from each Company and Troop, not exceeding One Third Part of the Number of the said Officers and Men of each Company and Troop ; which Officers, and Non-commissioned Officers, and Private Men, so called out for Service, shall be considered, and are, by virtue of this Act, to be under the same Laws, Regulations, and Discipline, as if Martial Law was actually proclaimed ; and it shall be also lawful for the Governor, or Commander in Chief on the Island, with the Advice of the Council as before-mentioned, to call out a certain Number of Horses or Mules from the different Plantations and Estates in the Island, not exceeding One for every Fifty Slaves, and of Negroes not exceeding One able Man for every Twenty Slaves, for such Services as may be judged necessary ; and that a regular Account of the Time such Slaves and Mules are employed shall be kept in the same Manner and for the like Purpose as is directed by the preceding Clause : And no Officer, Non-commissioned Officer, or Private Man, so called out, shall be obliged to remain on Duty for a longer Space than Fourteen Days, at the Expiration of which Time he shall be relieved by another Part of the Regiment or Troop, to be called out in the Manner and by the Authority before given to the Governor, or Commander in Chief on the Island, and so on in like Manner, so as the Whole of the Regiment and Troop shall take their Tour of Duty alternately, if the Occasion shall remain : And that no Person shall bear a greater Part of the Duty necessary for the Safety of the Island than another, it is also provided, That in case any Non-commissioned Officer or Private Man shall change his Place of Residence, and by that Means be removed into another Company or Squadron, the Captain, or Commanding Officer of the Company or Troop from which he is removed, is hereby directed to certify the last Time such Person had been actually called out and appeared before his Removal from such Company, in order that Care may be taken to prevent his being ordered on Duty out of his Turn.

XXXIV. AND be it further enacted by the Authority aforesaid, That such a Quantity of necessary Provisions be sent with the White People and Negroes so ordered out, as may be directed by the Commanding Officer of the Party they are to join, and that the said Provisions be carried by the Negroes or Mules herein-before provided, or sent by Sea, as Occasion may offer ; and in all Cases where Parties, from the Consumption of the Provisions first ordered out, or from any other Accident, shall be in want of necessary Support and Subsistence, it shall and may be lawful for the Commanding Officer of such Party or Parties to require



require and take an immediate and reasonable Supply from such Plantation or Plantations as lie nearest; keeping an exact Account of what shall be so required and taken, in Order that proper Allowance may be made for the Payment thereof by some future Law of this Island.

XXXV. PROVIDED always, and it is hereby enacted by the Authority aforefaid, That nothing in this Act contained shall be expounded, construed, or understood to diminish, alter, or abridge, the Powers and Authorities vested in, or delegated to, any Captain General, or Chief Governor, or any Commander in Chief of His Majesty's Southern *Caribbee* Islands for the Time being, or any Commander in this Island; but that in all Things, and upon all Occasions, they may act as fully and freely as Captain General, Chief Governor, Commander in Chief, or Commander of this Island, as aforefaid, to all Intents and Purposes, as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

XXXVI. PROVIDED also, and it is hereby further enacted and declared by the Authority aforefaid, That nothing within this Act, or any Clause herein contained, shall be considered, construed, or understood, to give any Captain General, or Commander in Chief, any Power or Authority for the sending any Person or Persons off this Island against his or their Will, or to do any other Act or Thing contrary or repugnant to the Laws of *England* or this Island.

XXXVII. AND be it further enacted, That if any Person or Persons shall at any Time hereafter be sued by any Person or Persons, for any Thing done by him or them in pursuance of this Act, he or they shall or may plead the General Issue, and give the special Matter in Evidence; and if a Verdict be found for the Defendant, or the Plaintiff shall discontinue, or be nonsuited, in any Action or Suit so commenced, such Defendant shall have Triple Costs of Suit.

XXXVIII. AND be it further enacted by the Authority aforefaid, That this Law shall continue in Force from the Publication thereof for Three Years, and from thence to the End of the next Meeting of the Council and Assembly, or for Three Months after the Expiration of the said Three Years.

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keeping an Account of what he shall so take.

Nothing in this Act to be understood as diminishing, altering, or abridging the Power of the Governor in Chief in this Island.

Proviso.

That nothing in this Act be understood as giving the Governor or Commander Power to send any Person off the Island, or to do any Thing contrary to the Laws of *England* or of this Island.

Persons sued for any Thing done in pursuance of this Act, to plead the General Issue, giving the Act in Evidence.

Defendant to have Triple Costs, in case of nonsuiting the Plaintiff.

How long this Act is to continue in Force.



C A P. XX.

*An Act to regulate the Method of conducting Roads from the interior Plantations to Church and Market.*

Cap. 20.

Passed in 1773.

I. WHEREAS many Inconveniencies may arise to the Settlers in the interior Parts of this Island, from the Want of Roads to Church and Market; be it therefore enacted by Your Majesty's dutiful and loyal Subjects, the Governor and Commander in Chief of Your Majesty's Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *Tobago*, and *Saint Vincent*, and by the Council and Assembly of this Your Majesty's Island of *Tobago*; and it is hereby enacted by the Authority of the same, That any Proprietor, or his lawful Attorney, Manager, or Overseer, in his Behalf, may trace out, make, alter, enlarge, and repair a Road, from any interior Plantation, through or over any Land,

Preamble.

Proprietors, &c. empowered to trace, make, &c. Roads from interior Plantations through any Land in the most convenient Direction for the Purposes intended by such Road;

to



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to remove all Obstructions;  
to dig for Stone, Gravel,  
&c. in any Land;

and to cut down Canes  
and other Produce, for  
which the Person making  
the Road shall make Satisfaction.

If any Difference shall  
arise, how to be settled.

Proviso:  
Persons making such interior  
Roads, on being  
stopped by the Proprietor,  
&c. of any Plantation,  
through which he thinks  
it necessary to carry such  
Road, and about which  
they shall be divided in  
Opinion,

the Party so stopped to  
apply to the nearest Magistrate,

who shall summon a Jury  
to meet within 14 Days  
to lay out the Road.

Their Oath.

Return of the Road so  
laid out, to be into the  
Secretary's Office.

Any Magistrate neglecting  
his Duty to forfeit  
50*l*.

and Juror 20*l*.

No Person to obstruct the  
laying out the Road.  
Penalty 100*l*.

How the Roads are to be  
made in Woods and  
cleared Land.

Plantations using the  
same Road, each to furnish  
their Proportion of  
Slaves for making and  
repairing the same.

Penalty, on Neglect or  
Refusal to furnish the

to the Church or Market, or to any convenient Harbour, or Landing-Place, fit for receiving on Shore or shipping of any Goods; and to cut down, dig up, and remove all Sorts of Trees, Bushes, Fences, or Plants whatsoever, that shall or may obstruct the said Road; and also to dig for Stone, Gravel, Sand, Marle, or Earth, in any Land not planted or inclosed as Yard or Garden to a House; and cut and take any Timber, or other Materials, in or near the said Road, for the Purpose of making Bridges; and where it shall be necessary to cut down or remove any Canes, Cotton, Corn, or other Plant yielding Provision or Produce, the Party making the Road shall make such reasonable Satisfaction for the Crop on the Ground to the Party or Parties concerned as they can agree for; and in case the Parties cannot agree about the Value of the Crop so destroyed, then the same to be settled by Two Freeholders, One to be chosen by each Party; and in case they cannot agree, they shall chuse an Umpire, whose Determination shall be final. Provided always, That when the Owner of any Settlement or Plantation, or his lawful Attorney, Manager, or Overseer, in his Behalf, shall think it necessary to carry the Road through the Land of any Settlement or Plantation, and the Owner of such Settlement or Plantation, or his lawful Attorney, Manager, or Overseer, in his Behalf, shall be of Opinion that the same might be carried some other Way, with equal Convenience to the Party making it, such Owner, or his lawful Attorney, Manager, or Overseer, in his Behalf, may stop the Road; and the Party, on being so stopped, is hereby directed to desist from proceeding any further, until the same shall be determined; and for the more speedy and just Determination thereof, the Party stopped shall apply to the nearest Magistrate, who is hereby directed and required to issue his Warrant to the next Constable, to summon Seven Freeholders, Five of whom to be a *Quorum* to proceed to Business, to meet on some convenient Day, therein to be mentioned, within Fourteen Days from the Date of the Warrant, to lay out the Road in question; and such Magistrate is hereby impowered to administer an Oath to the said Freeholders, *That, according to the best of their Skills and Judgements, and with most Convenience to the Party making the Road, and with least Prejudice and Damage to the Party or Parties stopping the same, they will lay out such Road*; which having done, the Magistrate is to make a Return thereof into the Secretary's Office, as well under his Hand and Seal, as under the Hands of the Freeholders by whom the same is laid out, to the End that the same may be there filed or recorded, and afterwards known for the Road to the Plantation from which it was made; and any Magistrate neglecting or refusing to do his Duty herein, shall forfeit Fifty Pounds Current Money; and any Freeholder duly summoned, neglecting or refusing to appear, shall in like Manner forfeit Twenty Pounds; and that no Person whatsoever do obstruct, hinder, or prevent such Freeholders from going to and laying out such Road, under the Penalty of One hundred Pounds Current Money.

II. AND be it enacted by the Authority aforesaid, That any Proprietor, or his lawful Attorney, Manager, or Overseer, shall be allowed to make the Roads Sixty Feet in standing Woods, Forty Feet where the Wood is only on one Side, and Twenty-four Feet in open Ground.

III. AND be it enacted by the Authority aforesaid, That where several Plantations shall make use of the same Road, they shall send an equal Proportion of the Slaves on each Plantation, for the making and repairing the same, or such Part of it as they use in going to Church or Market; and if any of the Parties neglect or refuse to furnish the Number of Slaves, when thereto required by a Majority of the Plantations



tations making or using the Road, after Notice given them, they shall pay at the Rate of Ten Shillings *per Diem* for each Slave they shall so refuse or neglect to furnish, for and during the Time they ought to have been furnished and supplied, to the Parties who have bestowed Labour upon it; to be recovered, adjudged, and imposed by any Two Justices, and to be levied and collected by Warrant under the Hands and Seals of the Justices, by Distress and Sale of the Goods and Chattels of the Defaulter or Defaulters.

IV. AND it is hereby enacted by the Authority aforesaid, That all Fines and Forfeitures, incurred by virtue of this Act, shall be to His Majesty, His Heirs and Successors, and paid into the Publick Treasury of this Island, to be applied to the Publick Uses thereof, and recoverable by Bill, Plaint, or Information, in any Court of Record in this Island.

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Number of Slaves, 10 s.  
*per Diem* for each Slave  
not furnished.

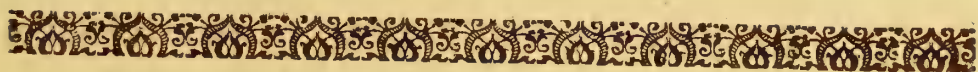
How to be recovered.

Fines and Forfeitures  
how to be applied.

## C A P. XXI.

*An Act to continue and amend an Act, intituled, An Act for establishing a Court of Common Pleas, and a Court of Error, within this Island; and declaring also the Method and Manner of proceeding to Judgement and Execution.*

Cap. 21.

Passed in 1773, and  
repealed in 1775.  
Vide Cap. 31.

## C A P. XXII.

*An Act to constitute a Court-Merchant.*

Cap. 22.

Passed in 1773.

WHEREAS it would tend very much to the Advantage of the Commercial Interest of this Island, that Persons trading to and from the same, should have a summary Method of recovering their Debts; be it, and it is hereby enacted by Your Majesty's most dutiful and loyal Subjects, the Governor in Chief of the Southern Caribbee Islands of Grenada, the Grenadines, St. Vincent, and Tobago, in America, the Honourable the Members of Your Majesty's Council, and the General Assembly of this Island of Tobago, and it is hereby enacted by the Authority of the same, That the Chief Justice of His Majesty's Court of Common Pleas for these Islands, and in case of his Absence or Sicknes, the Senior Assistant Judge of the said Court residing in this Island, upon the Petition of any transient Person or Persons who shall hereafter arrive in this Island, such Person or Persons so petitioning, also making Affidavit before the said Judge, in Form and to the Effect following:

Preamble.

Upon Affidavit and Petition, the Chief Justice, or if absent, the Senior Justice, shall call a Court in Four Days.

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Form of the Affidavit.

*I A. B. do swear, That I do fully design and intend to depart from this Island in the Ship or Vessel now lying in the Harbour of within this Island, by the First Departure of the said Ship or Vessel from this Island; and that I did not, at my coming to this Island, or at any Time since, intend to reside in this Island for any Time exceeding Six Months after my Arrival here; and that the Goods by me sold, and for which I do now desire to have this Court called, are belonging to myself, or to Persons not residing in this Island; and are not, directly or indirectly, sold for the Benefit or Advantage of any Person or Persons residing within the same:*

The Plaintiff to file his Declaration in the Secretary's Office, and a Copy of it, with the Summons, Two Days before the Court.

The said Judge shall cause a Court to be held within Four Days after such a Petition delivered; and the Person or Persons so petitioning as aforesaid, shall file a Declaration in the Secretary's Office of the said Island, as is usual in other Cases; and a true Copy thereof, attested by the Secretary, or his lawful Deputy, shall be annexed to a Writ of Summons in the following Form;

Form of the Summons.

*GEORGE the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. To Our Provost Marshal of Our Island of Tobago, or his lawful Deputy, greeting.*

*WE command you to summon A. B. to be and appear before our Justices of our Court Merchant, to be held for this Island, the Day of next, at of the Clock in the Forenoon, at the Town of Scarborough; and then and there to answer the Action or Actions commenced against him by C. D.; and hereof you are not to fail, as you will answer the contrary at your Peril; and so then and there make a due Return of this Writ of Summons.*

*Witness Our Chief Justice of Our said Island, or Assistant.*

*Our Senior*

Defendant making Default, and Service proved, and not joining Issue, Pleading, &c. the Plaintiff's Evidence to be taken, and Judgement given for him:

And Issue joined, or Plea or Demurrer, a Day to be appointed to try and determine it, in Four Days, by a Jury.

Defendant then making Default, Judgement to be given against him.

If the Defendant appears, the Fact to be tried by the Jury.

If Plea in Abatement or Demurrer allowed, Plaintiff may amend, paying 15s. Costs, and then Issue to be joined and Judgement given on the Verdict, unless the Defendant desires a Day to move in Arrest of Judgement, which may be granted, if it does not exceed Three Days.

And the said Copy, and the said Writ of Summons, shall be served upon the Person of the Defendant, or left at his most usual Place of Abode, at least Two Days before the Sitting of the Court. And, the Service of such Copy and Summons being proved to have been duly made, if the Defendant makes Default, or appearing shall refuse to join Issue, or plead some good Plea in Bar of the Action, or in Abatement of the Writ, or to demur, the Plaintiff's Evidence shall be taken, and Judgement shall be immediately entered up for the Plaintiff against the Defendant; but if the Defendant join Issue, plead, or demur, then a Day shall be given for Trial of the Fact, or determining the Point of Law; and a Jury shall be summoned in the usual Manner to attend on that Day, which shall not exceed Four Days after the First Sitting; and if at that Day the Defendant makes Default, Judgement shall be entered up against him as aforesaid; but if he does appear, then the Point of Law shall be argued and determined, or the Matter of Fact tried by the Jury.

AND if any Plea in Abatement or Demurrer be allowed by the Court, the Plaintiff shall immediately amend, paying Fifteen Shillings Costs; and the Defendant shall then join Issue, and Judgement shall be immediately given on the Verdict, unless the Defendant shall desire a Day to move an Arrest of Judgement, which in that Case shall be granted by the



the Court, so that it be not above Three Days longer Time, and Execution shall issue thereon next Day after Judgement, either by *Fieri facias*, to take the Goods, or *Capias ad satisfaciendum*, to take the Body of the Defendant, at the Plaintiff's Election, unless Judgement shall be stayed by Motion in Arrest of the same; and in case the Plaintiff shall neglect to appear at any Sitting of the Court, when called, then a Non-suit shall be entered against him.

II. AND be it further enacted by the Authority aforesaid, That all Goods, Chattels, and Negroes, which shall hereafter be levied on by any Writ of Execution for any Debt recovered by virtue of this Act, shall, at the Defendant's Charge, be exposed to Sale in the Town of *Scarborough*, in Six Days, by the Provost Marshal, or his lawful Deputy, between the Hours of Eight and Twelve o' Clock in the Forenoon, and be accordingly sold by Outcry at the highest Price then offered; and the Produce of such Sale, or as much thereof as shall be sufficient to discharge the Debt, Damages, and Costs, shall be immediately paid to the Plaintiff.

III. AND be it further enacted by the Authority aforesaid, That the Chief Justice of the Court of Common Pleas, or, in case of his Absence, the Senior Assistant Judge of the said Court, be, and they are hereby appointed and authorised to hold a Court for Trial of all Actions of Debt, or upon the Case, for Goods, Wares, and Merchandises, not exceeding the Sum of Two hundred Pounds, Current Money of this Island; which shall be prosecuted as aforesaid by any transient Person against a Resident in this Island, or by a Resident against a transient Person, or by One transient Person against another.

IV. AND be it further enacted by the Authority aforesaid, That on all Actions prosecuted by virtue of this Act, the same Fees shall be paid to the Chief Justice, Secretary, and Marshal, as are usually taken for that Purpose, with this Alteration only, that where any Cause shall be to be tried by a Jury, the Plaintiff shall pay down Six Pounds Twelve Shillings, Current Money of this Island, into Court, to defray the Charges of the Jurors; which is to be equally paid amongst the Jurors after a Verdict brought in, and not before; which said Six Pounds Twelve Shillings shall be allowed in Costs of Suit.

V. AND be it further enacted by the Authority aforesaid, That where any Person or Persons, being a known Resident or Residents, Freeholder or Freeholders, within this Island, shall desire any Court to be called, in virtue of this Act, for the prosecuting any transient Person for any Debt, or in any Action on the Case for Goods sold, not exceeding Two hundred Pounds, Current Money of the said Island, such Person or Persons so desiring such Court to be called, shall not be obliged to make any such Affidavit as is required when the transient Person is the Plaintiff, but shall and may proceed by Warrant of Arrest, as is usual against such transient Person or Persons, who shall be obliged to find Security by Two sufficient Freeholders, to answer the Event of the Suit, and satisfy the Judgement, or else to surrender the Body of the Defendant, as is usual in Cases of Bail, or else the Defendant shall be and remain in Custody; and in the last-mentioned Case, the Plaintiff shall be only obliged to file his Declaration Two Days before, and exclusive of the next Court-Day, and shall not be obliged to any other Service thereof.

VI. AND be it, and it is hereby enacted by the Authority aforesaid, That all Debts due as aforesaid, not exceeding Ten Pounds, Current Money of this Island, shall be determined, upon Complaint, by the Court

1773.

Cap. 22.

*Fieri facias* or *Capias ad satisfaciendum* to issue the next Day after. Plaintiff not appearing at any Court, to be non-suited.

Goods, &c. in Execution to be sold at Outcry in Six Days, and Plaintiff paid thereout Debt and Costs.

Chief Justice, or if absent, the Senior Assistant Justice makes a Court.

Action of Debt or Case of Goods sold, not exceeding 200*l.* triable in this Court.

Transient Person may sue a Resident, a Resident a Transient, and One Transient another Transient.

Fees of the Court and Officers as are usually taken.

6*l.* 12*s.* to the Jury after Verdict, and allowed in Costs.

Freeholders desiring a Court need not make Affidavit, but may proceed by Warrant of Arrest.

Transient Defendant to find Bail by Two sufficient Freeholders, or Defendant remain in Custody.

In the last Case, Plaintiff to file his Declaration Two Days before the Court, without further Service.

Debt, not above 10*l.* determined on Complaint, without Jury, on common Fees.



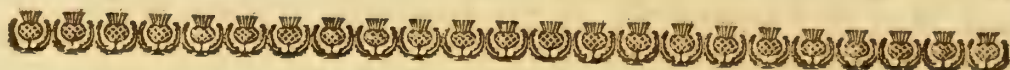
1773.

Cap. 22.

The Court to be a Court  
of Record.2 l. Penalty on the Jurors  
making Default of Ap-  
pearance.

Court alone, without a Jury, for which no more Fees shall be taken than for Complaints in the Court of Common Pleas.

VII. AND be it further enacted by the Authority aforesaid, That the Court hereby established shall be a Court of Record during the Continuance of this Act; and the Jurors making Default of Appearance, shall be liable to be fined by the Court in a Sum not exceeding Two Pounds, Current Money of this Island.



## C A P. XXIII.

Cap. 23.

Passed in 1773.

*An Act to establish a Court of Quarter Sessions in this Island.*

Four General Quarter  
Sessions to be held  
yearly;  
when and where.

To have the same Power  
with that of England.

WHEREAS it is necessary that there should be a Court of Quarter Sessions established at some certain Place of this Island, and that the Times of holding the same should be fixed, be it, and it is hereby enacted by your Majesty's most loyal and dutiful Subjects, the Governor in Chief of Your Majesty's Southern *Caribbee* Islands, and the Council and Assembly of Your Majesty's Island of *Tobago*, and by the Authority of the same, That there shall be held, at the Town of *Scarborough*, for the future, Four General Quarter Sessions of the Peace for this Island in every Year, viz. On the Third *Tuesday* in *January*, the Third *Tuesday* in *April*, the Third *Tuesday* in *July*, and on the Third *Tuesday* in *October*; the First Court to be held on the Third *Tuesday* in *January* next: And that such Court of Sessions may be held as long as shall be necessary for hearing any Matters that may come before it.

II. AND be it further enacted by the Authority aforesaid, That the said Court shall, and it is hereby declared to have all Jurisdiction, Power, and Authority, that is or may be exercised by the same Kind of Court in that Part of *Great Britain* called *England*.



## C A P. XXIV.

Cap. 24.

Passed in 1773.

*An Act to provide for the Maintenance and Support of the Widow and Children of Ruffel Chapman, Gentleman, late Adjutant of the Battalion of Militia in this Island.*

Preamble.

WHEREAS it is just and expedient that those who expose their Persons and Lives on publick Military Service should have every necessary Encouragement to induce them to do their Duty with Spirit and Alacrity; and whereas in and by the Thirtieth Clause of an Act of the Legislature of this Island, intituled, *An Act for continuing the Establishment of a Militia in this Island, and for making Regulations with regard to the Order, Discipline, and good Government thereof*, it is enacted and ordained, That if any Person, who is a married Man or hath a Family, shall be killed, or rendered incapable of maintaining his Family by Wounds or other Accidents in the Service of the Publick, his

Wife



Wife and Family shall be provided for at the publick Expence, in such Manner as shall be adjudged requisite and necessary by the Legislature of this Island, adequate to the Station of such Person so killed or maimed as aforesaid: And whereas Ensign Russel Chapman, late of His Majesty's Seventieth Regiment of Foot, and Adjutant to the Battalion of Militia in this Island, was unfortunately killed by Accident, when on Duty, the Eighteenth Day of January last, leaving behind him a Widow and Three Children, whose only Dependence for Support was upon his Pay or future Advancement in the Army;

I. BE it therefore enacted by Your Majesty's most dutiful and loyal Subjects, the Commander in Chief of Your Majesty's Southern *Caribbee* Islands, and the Council and Assembly of this Island of *Tobago*, and it is hereby enacted accordingly, That the Sum of Thirty Pounds Sterling be annually paid in *London* to the Widow of the said *Russell Chapman*, late Ensign of His Majesty's Seventieth Regiment, and Adjutant to the Battalion of Militia in this Island, or her Attorney, during the Term of her natural Life; and likewise, that the Sum of Ten Pounds Sterling, for each of the said Three Children, be paid to the said Widow for their Education; or in case of her Death, to their Guardians, until they arrive at the Age of Twenty Years; and that the said Sums shall be remitted by the Publick Treasurer of this Island for the Time being out of the Publick Funds thereof; and the Treasurer for the Time being is hereby impowered and directed to remit the same, so as it may be paid, on the Eighteenth Day of *January* in each Year, to the said Widow or Guardians, or their Attorney, for the Purposes herein before-mentioned, she or they producing attested Certificates of the said Widow and Children's being in Life; the First Payment to commence and be paid on the Eighteenth Day of *January* next, which will be in the Year of our Lord One thousand seven hundred and seventy-four.

1773.  
Cap. 24.

30*l.* Sterling to be paid annually to the Widow of *Russel Chapman* during her Life, and 10*l.* for each of the Three Children, to be paid annually to her, or the Guardians of the Children, for their Education, until they attain the Age of 20 Years;

to be remitted by the Publick Treasurer, so as it may be paid in *London* the 18th *January* each Year.

The first Payment to commence the 18th *January*, 1774.



C A P. XXV.

An Act to explain and amend an Act of this Island, intituled, An Act for establishing and regulating a Register's Office in this Island.

Cap. 25.

Passed in 1773.

WHEREAS in and by a certain Act of this Island, passed in the Eighth Year of His Majesty's Reign, intituled, *An Act for establishing and regulating a Register Office in this Island*, it is enacted, among other Things, That from and immediately after the Publication of the said Act, all Deeds, Conveyances, and other Instruments of Writing relating to, and whereby any Lands or Tenements in the said Island *Tobago* may be anyways affected, either in Law or Equity, should be duly entered and recorded in the Register's Office of the said Island *Tobago* within Two Months after the making and executing the same; and all such Deeds so passed, and not recorded in Time aforesaid, should be utterly void to all Intents, Constructions, and Purposes, and not pleadable in any Courts of Law or Equity in this Island or elsewhere, provided such Deeds or Conveyances be made in the said Island *Tobago*; but if such Deed or Conveyance should be made and executed

Preamble.

M

in



1773.  
Cap. 25.

No Deed to be void for  
Want of being recorded  
in due Time,

other than against *bona  
fide* Purchasers and Cre-  
ditors, who shall have re-  
corded their Securities  
in Time, and without  
Notice of other Incum-  
brance,

in any of the neighbouring Islands, then the same shall be recorded in Six Months; and in *North America* within Nine Months; and if in the Island of *Jamaica*, or any Part of *Europe*, within Fifteen Months after the making and executing thereof; and if not recorded in the Times aforesaid respectively, should be utterly void to all Intents, Constructions, and Purposes whatsoever, and not pleadable in any Court or Courts of Law or Equity in this Island or elsewhere, unless such Deed or Conveyance made in the neighbouring Islands, *North America*, *Jamaica*, or *Europe*, should be lost at Sea, or otherwise intercepted within the said Time; and that such Interception or Loss should be made out by sufficient Authority, Certificates, or Evidences: And whereas the Intent of the said Law was only to prevent Frauds on Creditors and *bona fide* Purchasers for a valuable Consideration, and not to make void such Deeds against the Parties and those claiming under them,

I. BE it therefore enacted by his Majesty's most dutiful, obedient, and loyal Subjects, the Governor in Chief of the Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *Saint Vincent*, and *Tobago*, and by the Council and Assembly of *Tobago*, That no Deed whatsoever shall be void for Want of being recorded within the Times aforesaid, other than against *bona fide* Purchasers for a valuable Consideration, and Creditors who shall have recorded their Mortgages, or other Liens or Securities, in the Secretary's Office in this Island, in Time, and without Notice of any other Incumbrance than such as shall have appeared on Record at the Time of his, her, or their Purchase of, or lending any Money on the Security of any Estate or Plantation in this Island, any Thing in the aforesaid Act or Statute to the contrary thereof notwithstanding.



C A P. XXVI.

Cap. 26.

Passed in 1773.

Preamble.

*An Act for regulating Trespasses.*

Trespassing Beasts taken  
up and impounded.

WHEREAS the Situation of many Plantations in this Island is such, that they cannot be properly fenced and inclosed, whereby Trespasses happen, to the great Inconvenience and Prejudice of the Inhabitants, and Dissentions and bad Neighbourhood are thereby created; for the Prevention thereof, be it enacted by Your Majesty's dutiful, loyal, and obedient Subjects, the Governor in Chief of the Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *Saint Vincent*, and *Tobago*, and the Council and Assembly of this His Majesty's Island of *Tobago*, and it is hereby enacted by the Authority of the same, That all and every Owner or Owners, Renter, Overseer, or Manager, or other Person having the Charge of any Plantation or Plantations in this Island, are hereby impowered to take up, or cause to be taken up, any Stray Horse, Horned Cattle, Mules, Asses, or Sheep, trespassing in and upon any Part of the Land of the said Plantation or Plantations, and impound them for the Damage, until the Owner or Owners of the said Stray Horses, Cattle, Mules, or Asses, shall pay for the said Damage; and it shall and may be lawful for such Owner or Owners, Renter, Overseer, or Manager as aforesaid, to take and receive, and the Owner or Owners, or other Person or Persons claiming the said Stray Horses, Cattle, Mules, Asses, or Sheep, are hereby required to pay at and after the Rates following;



lowing ; (that is to say) Six Shillings *per* Head for the Trespafs by each Horfe, Head of Horned Cattle, Mule or Afs ; and Nine Pence *per* Head for the Trespafs by each Sheep ; and Two Shillings for each Horfe, Head of Horned Cattle, Mule, or Afs ; and Nine Pence *per* Head for each Sheep, for every Twenty-four Hours they shall so remain impounded : And any Person working Cattle during the Time they are so impounded, shall forfeit to the Person or Persons to whom the said Cattle belong the Sum of Twenty Pounds, for which Action shall lie at Common-Law ; and the Person impounding such Stock shall provide and cause them to have sufficient Quantity of Meat and Water ; and in case any Stock so impounded shall die for Want of due Care, such Person so impounding them shall be liable to pay the Owner double the Value of all such Stock so dying for Want of due Care as aforesaid : And if the Person so impounding such Stray Stock shall not think the Rates above-mentioned sufficient to indemnify him or her for the Damage, and the Parties cannot agree upon the same, then it shall and may be lawful for any Justice of the Peace to issue his Warrant, upon Application made to him for that Purpose, directed to any Three of the neighbouring Freeholders, who are hereby required to view the said Damages, and settle the Value thereof, and a Return of such Value to make to the said Justice upon Oath ; and the said Justice is hereby further authorised and required to issue his Warrant, if thereto required by the Party complaining, in Nature of an Execution, directed to any Constable, to levy the same, with the Charges, on the Goods, Chattels, or other Effects of the Owner or Owners of any such Stock or Cattle so trespassing ; and the Goods, Chattels, or other Effects so levied on, such Constable is hereby authorised and required to expose to Sale at Publick Outcry, under the same Regulations, Restrictions, and Conditions as are appointed for the Sale of Goods and Chattels of Defendants taken in Execution by the Provost Marshal of this Island, and it shall and may be lawful for such Constable to take and deduct the same Fees as the said Provost Marshal may in like Cases legally take, receive, and deduct : And any Justice, Constable, or Appraiser, neglecting or refusing to do and perform in their said several Capacities, the several Matters and Things in this Act before and after required and directed, upon Proof thereof, for every such Neglect or Refusal, shall forfeit to His Majesty, His Heirs and Successors, if a Justice of the Peace or Appraiser, Five Pounds, and if a Constable, Thirty Shillings Current Money aforesaid, and shall moreover be liable to the Action of the Party injured for Damages.

II. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful for all Persons, Possessors of Lands, either in Town or Country, within this Island, and for their respective Servants or Slaves, to kill any Hogs or Goats, trespassing upon their Land ; and if any Hogs or Goats shall be killed or disabled, while trespassing, the Owner may have the same, if fetched away in Two Hours after such killing or wounding ; and if not fetched away in that Time, the same shall become the absolute Property of the Owner or Owners of the Land where the Trespafs was committed : And no Action, Suit, Presentment, Indictment, Information, or Prosecution shall be brought for killing, wounding, or destroying, any Hogs or Goats so trespassing ; and if any Person shall be prosecuted in any Action for any such killing, wounding, or destroying any such trespassing Hogs or Goats, such Person may plead the General Issue, and give this Act in Evidence, together with the killing, wounding, or destroying in Trespafs ; and upon Proof thereof, the Jury shall find for the Defendant, with double Costs of Suit ;

1773.

Cap. 26.

Rates of Payment for impounding.

Persons impounding shall provide the Beasts with Meat and Water, under the Penalty of double the Value, if they die for Want.

Damages, how appraised and recovered.

Constable's Fees.

Penalties upon Justices, &amp;c. for neglecting or refusing to act ; and liable to an Action for Damages.

Hogs or Goats may be killed ;

and if not taken away in Two Hours, shall become the Property of the Owner of the Land where the Trespafs was committed.

No Action shall be brought for killing them.



1773.

Cap. 26.

Persons killing trespassing Cattle (Hogs and Goats only excepted) to forfeit double the Value.

Persons impounding to give Notice to the Owners of Cattle, if known, in 24 Hours.

Penalty.

Preamble.

Impounded Cattle, if not claimed in Seven Days, to be advertised in the *Tobago Gazette* for Fourteen Days more;

and to be sold at Publick Outcry, if not claimed; the Money arising from the Sale to be applied towards paying Damages, &c. and the Surplus to be forfeited, if not claimed in Six Months.

Impounded Cattle, suspected of having the Glanders, &c. to be inspected by Three Freeholders, and upon the Opinion of Two of them, to be killed and buried.

Suit; and if prosecuted by Presentment, Indictment, or Information, such Proof of killing, wounding, or destroying any such Hogs or Goats in Trespass, shall be sufficient to acquit the Defendant, and the Jury shall find the Defendant accordingly not guilty: And any Person who shall wilfully or intentionally kill, wound, or destroy any Stock or Cattle, (Hogs and Goats only excepted) though found in Trespass, shall, on Proof thereof, forfeit and pay the Owner or Owners of any such Stock or Cattle so killed, wounded, or destroyed, double the Value of the same.

III. AND be it further enacted be the Authority aforesaid, That if the Owner or Owners of any such Stock or Cattle impounded be known, or made known to the Person impounding, he or she shall, in Twenty-four Hours after the receiving such Information or Knowledge, give Notice thereof to the Owner or Owners of any such Stock or Cattle, to the Intent he, she, or they may make Satisfaction for the Damages, and redeem the Stock or Cattle so impounded; and if the Person so impounding shall fail, neglect, or refuse to give Notice as aforesaid, he shall forfeit the Rates herein before directed to be paid for the Cattle or Stock so impounded, and the further Sum of Five Pounds Current Money of this Island to the Party injured.

IV. AND forasmuch as Horned Cattle, Horses, Asses, Mules, or Sheep, may be suffered to lie so long impounded, that the Expence of impounding and keeping, and the Damage done, may be more or equal in Value to such Cattle, Mules, Horses, Asses, or Sheep; and whereas, notwithstanding the Care of any such Person so impounding, Cattle or Stock of any Kind, by long standing or Confinement, may die, be it therefore further enacted by the Authority aforesaid, That if any such Cattle or Stock is or are not claimed in Seven Days next and immediately after their being so impounded, the Person so impounding may, and he or she is hereby required to advertise any such Cattle or Stock, describing each of them as near as may be, in the *Tobago Gazette*, if any such there be; and if no such Gazette, then in the most publick Place of Resort in the next Town where such Trespass happens, for Fourteen Days more; and if such Cattle or Stock is or are not then claimed, and full Satisfaction made for Damages and Expences, in Manner as in this Act is already directed, it shall and may be lawful for such Person or Persons so impounding to sell any such Cattle or Stock at publick Outcry, and the Money so arising from any such Sale shall be applied towards defraying the said Expences and Damages, and the Surplus, if any, shall be deposited in the Publick Treasury of this Island, for the publick Uses thereof, until the Owner or Owners of any such Cattle or Stock (proving his, her, or their Property, if within Six Months thereafter) shall appear to claim and receive the same; but if not proved in Six Months, then to be forfeited to the Use of the Publick for ever.

V. AND be it further enacted by the Authority aforesaid, That if the Person taking up or impounding such Stock shall have Reason to believe that any such Stock has the Distemper to which they are subject, commonly called the Glanders, or any other contagious Disorder; in any such Case, the said Person or Persons is and are hereby empowered and strictly required to call any Three Freeholders in any such Parish, and if they, or any Two of them, shall be of Opinion that the Distemper is the Glanders, or of a contagious Kind, the Person or Persons is hereby further empowered, and strictly required, any such Horse, Mule, or Ass, immediately to drown or shoot, and the Body to bury in the Ground or Sea-Side.

VI. AND



VI. AND be it further enacted by the Authority aforesaid, That if any Horned Cattle, Horse, Mule, Ass, or Sheep, shall be rescued and driven away, or shall be attempted to be rescued or driven away, when going to be impounded for Damage or Trespass done, or shall be forcibly taken out of any Pound when actually impounded, if it be any White or Free Servant or Servants, Slave or Slaves, belonging to the Owner or Owners of any such trespassing Cattle, Horses, Asses, Mules, or Sheep, or by the Owner or Owners themselves, such Owner or Owners shall forfeit, to the Person damaged, Treble the Value of the Damage done; and if any such Rescue or Driving-away, when going to be impounded, be done by any Person or Persons, his, her, or their Servants, Slave or Slaves, not interested in the Cattle, *et cetera*, so intended to be impounded, such Person or Persons shall, for every such Offence, forfeit and pay to the Person damaged Four Times the Value of the Damage or Trespass done, to be recovered by Action of Debt, or on the Case, in the Court of Common Pleas.

1773.  
Cap. 26.  
Rescue of Cattle, going to be impounded, by the Owners, &c. Treble Damages to the Party, &c. and by Persons not interested in the Cattle, Fourfold Damages, &c.

VII. AND be it further enacted by the Authority aforesaid, That any Person or Persons who shall attempt to rescue or take out any Beast impounded, under any Pretext or Colour whatsoever, shall, for each and every such Offence, be, by any Justice of the Peace in the Island where such Offence was committed, committed to any Common Gaol in this Island, or bound over with good Sureties to the next General Sessions, there to be fined, at the Discretion of the Justices then sitting, in a Sum not exceeding One hundred Pounds Current Money aforesaid, to be paid into the Publick Treasury of this Island for the publick Uses thereof; and any Slave or Slaves aiding or assisting in any such Breach or Rescue, without the Consent of his, her, or their Owner, Renter, or Employer, or any Free Person having the Direction of any such Slave or Slaves, so aiding or assisting, shall be punished by any Number of Lashes at the Discretion of the Justice before whom such Slave or Slaves is or are brought and convicted.

Persons rescuing impounded Cattle to be imprisoned, or bound over to the next General Sessions, there to be fined, at the Discretion of the Justices, in a Sum not exceeding 100 £.

Slaves rescuing Cattle without Order from their Owners, &c. to be punished at the Discretion of the Justice.

VIII. AND be it, and it is hereby enacted by the Authority aforesaid, That the Forfeitures of Five Pounds, to be incurred by a Justice of the Peace or Appraiser, and of Thirty Shillings by a Constable, mentioned in the First Clause of this Act, and not herein before appropriated, shall be to His Majesty, His Heirs and Successors, to be paid into the Publick Treasury of this Island, to be applied to the publick Uses thereof.

Forfeitures incurred by Justices, &c. how to be applied.



C A P. XXVII.

*An Act to appoint proper Persons to take Charge of the Batteries intended to defend the Bays of this Island, and for the Service of the same,*

Cap. 27.  
Passed in 1773.

I. **W**HEREAS there are several Great Guns and Swivels mounted in the different Bays of this Island, yet no particular Persons are appointed to take Charge of and manage them, nor to direct the raising of such Parapets as may be thought necessary in the Event of a War: And whereas nothing is more conducive to the Defence of an Island, than a Body of Men accustomed to the Management of Great Guns, a Branch of the Military Art not to be suddenly acquired in  
N Time

Preamble.



1773.  
Cap. 27.

A Colonel, 7 Captains,  
and 18 Private Gentle-  
men, to have the Charge  
of the Batteries.

Colonel, Captains, and  
Private Gentlemen, how  
to be appointed.

Proviso.

The Colonel, Captains,  
and Private Gentlemen,  
to wear the same Uni-  
form with the Battalion  
of Militia, substituting  
Blue in Place of Red.

Captains to attend the  
Colonel at Scarborough  
the First Monday of June  
and December yearly, to  
be instructed in the Duty  
of their Office, and to ex-  
ercise at their respective  
Batteries on the Second  
Monday in every Month.

The Colonel, Captains,  
and Private Gentlemen,  
to be furnished with small  
Arms, &c. in the same  
Manner that the Batta-  
lion of Militia is furnis-  
hed, and to be under the  
like Discipline and Pen-  
alties with the Batta-  
lion.

This Act to continue in  
Force from the Publica-  
tion thereof to the Expi-  
ration of the present Act  
establishing and regulat-  
ing a Militia.

Time of an actual War; we therefore, Your Majesty's most dutiful and loyal Subjects, the Governor and Commander in Chief of Your Majesty's Southern *Caribbee* Islands, and the Council and Assembly of this Island of *Tobago*, do most humbly pray Your most Excellent Majesty that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That a Colonel, Seven Captains, and Eighteen Private Gentlemen, shall be immediately appointed, to have the Charge and Direction of the Batteries erected, or to be erected, in this Island, under the Orders of the Captain General, and the Commander in the Island for the Time being.

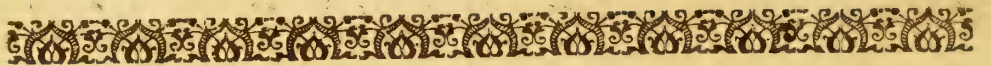
II. AND be it further enacted by the Authority aforesaid, That the Colonel and the Captains shall be appointed by Commission from the Captain General, or Commander in Chief of the Southern *Caribbee* Islands; and the Private Gentlemen, by the Commander of the Island for the Time being, by and with the Consent of the Council of the said Island. Provided always, That the Captains and Private Gentlemen be Residenters in the Parish where the Batteries to which they may be appointed are situated.

III. AND be it further enacted by the Authority aforesaid, That the Colonel, Captains, and Private Gentlemen, shall wear the same Uniform with the Officers and Privates of the Battalion of Militia, substituting Blue in Place of Red.

IV. AND be it enacted by the Authority aforesaid, That the said Captains shall attend the Colonel at *Scarborough* on the First Monday of June and December yearly, to be instructed by him in the Duty of their Office; and the said Captains and Private Gentlemen are to exercise at their respective Batteries from Seven to Ten in the Morning on the Second Monday in every Month.

V. AND be it enacted by the Authority aforesaid, That the Colonel, Captains, and Private Gentlemen, shall be furnished with Small Arms and Cartridge Boxes in the same Manner that the Battalion of Militia is furnished, and shall be under the like Discipline and Penalties with the Battalion, by virtue of an Act intituled, *An Act for continuing the Establishment of a Militia in this Island, and for making Regulations with Regard to the Order, Discipline, and good Government thereof.*

VI. AND be it enacted by the Authority aforesaid, That this Law shall continue in Force from the Publication thereof, to the Expiration of the present Act establishing and regulating the Militia.



#### C A P. XXVIII.

Cap. 28.  
Passed in 1773.

*An Act for appropriating the Tax upon unsettled Town Lots to the Use and Improvement of the respective Towns where levied, and to appoint proper Persons for applying and directing the same.*

Preamble.

I. **W**HEREAS in and by an Act of the Legislature of this Island, intituled, *An Act for raising a Sum of Money by a Tax upon Lands in this Island, subject to the Deduction specified, and for applying the same to the Discharge of the Publick Debts and Exigencies of this Colony*, a Tax of Five Pounds Currency is laid and imposed upon the Town



Town Lots in the Towns of *Scarborough*, *George-Town*, and *Plymouth*, the Grants for which bear Date before the First Day of *January*, One thousand seven hundred and seventy-two, except such Town Lot or Lots as shall be built upon, as it is expressed and directed in His Majesty's Letters Patent, granted for such Town Lot or Lots, and likewise shall have been cleared and fenced in on or before the First Day of *July*, One thousand seven hundred and seventy-two: And whereas it would greatly conduce to the Conveniency of the Inhabitants of the Island in general, and induce trading People to settle in the Towns of this Island, if the same were rendered healthful and convenient: We therefore, Your Majesty's dutiful and loyal Subjects, the Governor in Chief of the Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *St. Vincent*, and *Tobago*, and the Council and Assembly of this Your Majesty's Island of *Tobago*, pray Your most Excellent Majesty, that it may be enacted, and be it, and it is hereby enacted by the Authority of the same, That the said Tax of Five Pounds upon unsettled Town Lots, imposed by virtue of an Act intituled, *An Act for raising a Sum of Money by a Tax upon Lands in this Island, subject to the Deduction specified, and for applying the same to the Discharge of the Publick Debts and Exigencies of this Colony*, be, and it is hereby wholly and absolutely appropriated to the Use and Improvement of the Streets and Avenues in and to each respective Town where the same shall be levied, and to be laid out and distributed by the Persons herein-after mentioned; any Thing in the said Act contained to the contrary thereof in anywise notwithstanding.

II. AND to the End that the Money aforesaid may be duly and judiciously applied in each respective Town, be it, and it is hereby further enacted and ordained by the Authority aforesaid, That the following Persons be, and they are hereby appointed Commissioners for the several Towns within this Island; that is to say, for *Scarborough*, the Honourable *Thomas Fairholme* Esquire, *Thomas Wilson*, *John Hamilton*, *Thomas Collow*, *John Campbell*, and *Hugh Chalmers*, Esquires; for *George-Town*, the Honourable *Edmund Lincoln* Esquire, *Peter Francklyn*, *James Campbell*, *Alexander Lyon*, *Thomas Porter*, and *John McNabb*, Esquires; for *Plymouth*, the Honourable *John Leith* Esquire, *Charles Irvine*, *Stewart Macvey*, *James Simpson*, *George Gibb*, and *Claud Park*, Esquires: Which said Commissioners, or any Three of them, are hereby impowered to contract or hire Slaves for the Purpose of clearing, making, and draining the Streets and Avenues in and to the Town for which they are appointed; and shall, from Time to Time, lay a State of their Proceedings before both Houses.

III. AND be it enacted by the Authority aforesaid, That the Commissioners appointed for each Town shall meet at the respective Towns for which they are appointed, on the Second *Monday* of *January* next, where they shall determine, by a Majority of the Commissioners then and there present, on the most effectual Means for carrying this Act into Execution; who shall have Power to adjourn themselves from Time to Time; and any Commissioner who shall absent himself from the General Meeting, shall incur a Penalty of Five Pounds, unless Sickness, or Absence from the Island shall prevent him; to be levied by Warrant under the Hands of Three Commissioners, directed to any Constable, and applied to the Use of the said Towns: And that the Sums of Money expended on the several Towns may not exceed the Sum raised by virtue of that Tax, the Publick Treasurer is hereby directed and required to lay before the Commissioners, at or before their First Meeting, an Account of the Number of Lots in the different

Towns

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The Tax of 5*l.* upon unsettled Town Lots to be wholly and absolutely appropriated to the Use and Improvement of the Streets and Avenues in and to the respective Towns where levied.

Commissioners appointed for the several Towns:

For *Scarborough*;

For *George Town*;

For *Plymouth*.

Any Three Commissioners to contract or hire Slaves for the Purpose of clearing, making, and draining the Streets and Avenues in and to the Towns for which they are appointed.

The Commissioners to meet at the respective Towns for which they are appointed on the Second *Monday* of *January* next, to determine on the most effectual Means for carrying this Act in Execution, and to adjourn themselves from Time to Time; any Commissioner, who shall absent himself from the General Meeting, to incur a Penalty of 5*l.*

How to be levied and applied.

The Publick Treasurer to lay before the Commissioners, at or before their First Meeting, an Account of the Number of Lots in the different Towns subject to the Tax.



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The Sums expended in the respective Towns not to exceed the Sum respectively raised in them; and the Commissioners to grant Certificates to the Persons they may contract or hire Slaves from, of the Sums of Money due to them; which, when passed, the Committee of Publick Accounts shall entitle the Person, in whose Favour granted, to receive an Order on the Publick Treasurer for the Sum so certified, to be paid out of the Fund raised by the Tax on Town Lots. When the several Sums shall have been expended in the respective Towns, the Commissioners to cause their Minutes and Accounts of Money expended in the respective Towns to be lodged in the Treasurer's Office. If the Commissioners, by any unforeseen Event, be prevented from meeting on the Day appointed by this Act, or any subsequent Adjournment, any Two Commissioners for any Town shall issue their Summons to meet on any future Day to be by them appointed.

Towns subject thereto; and the Commissioners are directed, that the Sums expended in the respective Towns shall not exceed the Sums that shall be respectively raised in them. And the Commissioners shall grant Certificates to the Persons they may contract with or hire Slaves from, of the Sums of Money due to them; which Certificate, when passed by the Committee of Publick Accounts, shall entitle the Person or Persons in whose Favour they shall be granted, to receive an Order on the Publick Treasurer of this Island for the Sums so certified, to be paid out of the Fund raised by the Tax on Town Lots.

IV. AND be it enacted by the Authority aforesaid, When the several Sums before mentioned shall have been expended in the respective Towns, the Commissioners shall cause the Minutes of their Proceedings, and the Accounts of Money expended in the respective Towns, to be lodged in the Treasurer's Office of this Island.

V. AND be it further enacted by the Authority aforesaid, That in case the said Commissioners shall, by any unforeseen Event, be prevented from meeting on the Day appointed by this Act, or by any subsequent Adjournment, any Two Commissioners for any Town shall issue their Summons to meet on any future Day, to be by them appointed.



## CAP. XXIX.

Cap. 29.  
Passed in 1774.  
Expired.

*An Act for raising a Sum of Money for Payment of the Publick Debts and Contingent Charges of this Island; for making new Roads of Communication through the unsettled Parts of the Country, and for improving those already begun.*



## CAP. XXX.

Cap. 30.  
Passed in 1774.

*An Act to appoint proper Persons to superintend the laying-out, directing, and repairing of the Publick Roads of this Island; and to apply a Sum of Money appropriated by an Act of this Year, intituled, An Act for raising a Sum of Money for Payment of the Publick Debts and Contingent Charges of this Island; and for making new Roads of Communication through the unsettled Parts of the Country, and for improving those already begun.*

Preamble.

WHEREAS it is absolutely necessary for the Publick Safety and Convenience, that the Publick Roads should be made and kept in good Repair; and that it is both just and expedient the Inhabitants of those Parishes that are able to furnish the Quantity of Negro Labour necessary



necessary for that Purpose, should, at their own Expence, make and keep in Repair the Roads through their particular Parishes: And whereas in and by an Act, passed this present Year, intituled, *An Act for raising a Sum of Money for Payment of the Publick Debts and Contingent Charges of this Island; for making new Roads of Communication through the unsettled Parts of the Country, and for improving those already begun*, Fifteen hundred Pounds are appropriated for the making such Part of the Great Road of Communication round the Island, as lie through those Parts where there are as yet few or no Inhabitants; and also making such Cross and other Roads through unsettled Parts, as may most conduce to the Publick Safety and Convenience: And to the End that the said Negro Labour may be properly applied towards making and repairing the Great Roads of Communication, and also that the said Sum of Fifteen hundred Pounds may be judiciously laid out and employed in hiring proper Persons to trace and make such Parts of the Great Road of Communication round the Island, and Cross Roads through the unsettled Parts of it;

I. BE it enacted by Your Majesty's most dutiful and loyal Subjects, the Governor in Chief of Your Majesty's Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *St. Vincent*, and *Tobago*, and by the Council and Assembly of Your Majesty's Island of *Tobago*; and it is hereby enacted by the Authority of the same, That the said Sum of Fifteen hundred Pounds shall be laid out and employed in hiring proper Persons to trace and make the Great Road of Communication round the Island, and the Cross Roads through the unsettled Parts thereof, in such Manner and in such Proportion as shall be judged most proper by the Persons herein-after appointed to superintend the laying-out, directing, and repairing the Publick Roads of this Island.

II. AND be it further enacted by the Authority aforesaid, That the following Persons be, and they are hereby named Commissioners for the Publick Roads of this Island; viz. For the Parish of *Saint George*, the Honourable *David Mill* Esquire, *Peter Franklyn*, *Alexander Lyon*, *Thomas Orr*, and *William Stuart*, Esquires; For the Parish of *Saint Mary*, the Honourable *Edmund Lincoln* Esquire, *Daniel Elder*, and *John Clark*, Esquires; For the Parish of *Saint Paul*, the Honourable *Archibald Stewart* Esquire, *James Campbell*, *Joseph Decre*, *Appleby Gilpin*, and *John Mackenzie*, Esquires; For that Part of the Parish of *Saint John* commencing at the Boundary of *Saint Paul's* to the West End of *Man of War Bay*, *Alexander Gordon*, *Alexander Paul*, and *George Guise*, Esquires; and for that Part of the Great Road of Communication commencing at the West End of *Man of War Bay* to *King Peter's Bay*, and also for the Cross Road of Communication from *Cassara* to *Granby Fort*, *Gilbert Petrie*, *George Ferguson*, and *James Ferguson*, Esquires; For the Parish of *Saint David*, *Charles Irvine*, *James Duncan*, *John Bremner*, *Alexander Shadden*, and *James Ottley*, Esquires; For the Parish of *Saint Patrick*, the Honourable *John Leith* and *Joseph Robley*, Esquires, *William Bruce* and *Stewart Macvey*, Esquires; For the Parish of *Saint Andrew*, the Honourable *Thomas Fairholme* Esquire, *Thomas Wilson*, *John Hamilton*, and *John Balfour*, Esquires. And whereas it may happen that some of the Commissioners appointed by this Act may have Occasion to leave the Island upon Account of their private Affairs, or there may be a Vacancy by Death; be it therefore enacted by the Authority aforesaid, That in either of these Cases, upon Application made, others shall be appointed in their Place, at the First Court of Quarter Sessions for this Island to be holden.

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1500 l. appropriated by an Act of this Year, to be applied to the Publick Roads, in such Proportion as shall be judged most proper by the Persons hereafter appointed for directing the same.

Five Commissioners appointed for the Publick Roads in the Parish of *St. George*; Three for the Parish of *St. Mary*;

Four for the Parish of *St. Paul*;

Three for that Part of the Parish of *St. John* commencing at the Boundaries of *St. Paul* to the West End of *Man of War Bay*; and Three for the Great Road of Communication commencing at the West End of *Man of War Bay* to *King Peter's Bay*, and also for the Cross Road from *Cassara* to *Granby Fort*; Five for the Parish of *St. David*;

Four for the Parish of *St. Patrick*;

and Four for the Parish of *St. Andrew*.

In case of Absence or Death of any of the Commissioners, upon Application made, others shall be appointed in their Room.

O

III. AND



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All the Commissioners to meet at Scarborough for the like Purposes, and under the same Penalties, as directed for the Commissioners for the Publick Roads by a former Road Act.

Commissioners to employ Persons to trace and make the Great Road of Communication round the Island, and Cross Road from Granby Fort to Castara Bay; also to contract with Persons to furnish the proper Negro Labour for that Purpose, or otherwise to agree with them, to be paid out of the aforesaid Appropriation.

Slaves to be ordered out in the same Proportion, and by the like Authority, as by the Third Clause of a former Road Act.

Proviso,

Penalty, on Neglect or Refusal to furnish the Proportion of Negro Labour required, the same prescribed by a former Road Act.

In case the Commissioners find it necessary to employ Carts to bring Materials, each Cart so furnished with 6 good Cattle and 2 Carters, equal to 10 Slaves.

Meeting of the Commissioners, and Appointment of Way Wardens, to be in Conformity to the Seventh Clause of a former Road Act.

Proviso,

Road Money for the Parish of St. John remaining in the Treasury from former Taxes, if unexpended at the next General Meeting of the Commissioners, to be applied within the said Parish, in the same Manner as they are by this Act directed.

III. AND be it, and it is hereby enacted by the Authority aforesaid, That the Whole Number of Commissioners before named and appointed for the different Parishes of this Island, are hereby required to meet at Scarborough, at such Time or Times, for the like Purposes, and under the same Penalties, as are directed for the Commissioners for the Publick Roads in and by an Act intituled, *An Act for the Application of a Sum of Money appropriated for making, altering, repairing, and enlarging the Publick Roads, and to appoint proper Persons to direct and lay out the same*: And the said Commissioners, or a Majority of them, shall have full Power and Authority to employ Persons to trace out and make such Parts of the Great Road of Communication round the Island, from Tyrrel's Bay by Man of War Bay to Bloody Bay, and from Castara Bay to King Peter's Bay, as is necessary to compleat such Great Road of Communication; and also in making and repairing such Parts of the Cross Road from Granby Fort to Castara Bay; and to contract for and agree with such Persons to furnish the proper Negro Labour for that Purpose, and to allow for the same, with their own Trouble in tracing, or to agree with them by the Piece or otherwise, to be paid out of the aforesaid Appropriation.

IV. AND be it enacted by the Authority aforesaid, That the Slaves shall be ordered out in the same Proportion, and by the like Authority, as is enacted by the Third Clause of the above recited Act; and that they shall continue to work upon the Publick Roads at any Time or Times the Commissioners aforesaid shall direct, until the Roads are compleated; providing the same shall not exceed Three Days Labour of all the Negroes in each respective Parish in any One Year, without any pecuniary Compensation for the same; and any Proprietor of Slaves who shall refuse or neglect to furnish his Proportion of Negro Labour, after getting due Notice thereof, as hereafter mentioned, shall forfeit and incur the same Penalty as is directed by the before-mentioned Act: And in case the Commissioners shall find it necessary to employ Carts to bring Materials to make or mend Roads, it is hereby directed, that each Cart so furnished with Six good Cattle and Two Carters, shall be deemed equal to Ten Slaves.

V. AND be it enacted by the Authority aforesaid, That the Meetings of the Commissioners, and Appointment of Way-Wardens, shall be in Conformity to the Seventh Clause of the before-recited Act. Provided always, That when there are not Three Commissioners in each respective Parish, any One of the Commissioners for such Parish where the Deficiency may happen, shall, and he is hereby empowered to summon One or more Commissioner or Commissioners from the neighbouring Parishes, so as to make up the *Quorum* for the Dispatch of publick Business; and such Commissioner or Commissioners, so summoned as aforesaid, who shall not attend, is hereby declared to incur the same Penalties as if he or they should neglect to attend in their own respective Parishes. And it is also further provided, That Commissioners shall give Five Days Notice to the Inhabitants of their respective Parishes, when and where the Work on the Roads is to begin, without Fee or Reward.

VI. AND whereas a considerable Sum of Money still lies in the Treasury from former Taxes appropriated for making Roads in the Parish of Saint John; be it, and it is hereby enacted by the Authority aforesaid, That should any of the said Money still remain unexpended at the next General Meeting of the Commissioners, they shall have full Power and Authority to lay out and apply the same, within the said Parish



Parish of *Saint John*, in the same Manner as they are by this Act directed to apply the Money appropriated by an Act passed this present Year, intituled, *An Act for raising a Sum of Money for Payment of the Publick Debts and Contingent Charges of this Island; and for making new Roads of Communication through the unsettled Parts of the Country, and for improving those already begun.*

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VII. AND be it enacted by the Authority aforesaid, That the Manner of carrying on the Roads, and making, altering, or amending the same, shall be in Conformity to the Ninth Clause of the said recited Act. Provided always, That the Proprietors of Lands, through which the Roads are carried, shall have no Demand against the Publick, until a Sum of Money shall be raised for that Purpose.

Manner of carrying on the Roads, &c. to be in Conformity to the Ninth Clause of the former Road Act.

Proviso: Proprietors to have no Demand against the Publick until a Fund is provided.

VIII. AND be it enacted by the Authority aforesaid, That the Duty of Way-Wardens, and all others concerned in the Publick Roads, and the Penalties in case of Neglect of Duty, shall be conformable to the said Act, and shall be levied and applied in the Manner directed by the Twelfth and Thirteenth Clauses thereof.

Duty of Way Wardens, and all others concerned in the Publick Roads, and Penalties in case of Neglect of Duty, to be in Conformity to a former Road Act, and to be levied and applied as directed by the Twelfth and Thirteenth Clauses of the aforesaid Act.



C A P. XXXI.

*An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions, for the better regulating and settling Methods for the Administration of Justice, and for the more effectual Support of Credit.*

Cap. 31.

Passed in 1775.

WHEREAS nothing can conduce more to the speedy Completion of the Settlement of this Colony, the Encouragement of Trade, the Support of Credit, and the Promotion of its Prosperity in general, than the Establishment of Courts of Judicature for the free and impartial Administration of Justice; and whereas the Courts which have been heretofore established, and the Regulations prevailing therein, were rather adapted to the earliest Efforts of Colonization, than to the present improved State of Cultivation and Commerce of this Island;

Preamble;

I. BE it therefore enacted by His Majesty's most dutiful and loyal Subjects, the Governor in Chief of Your Majesty's Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *St. Vincent*, and *Tobago*, and by the Council and Assembly of Your Majesty's Island of *Tobago*, and it is hereby enacted by the Authority of the same, That from and immediately after the Publication of this present Act, a certain Act of this Island, which expires the Second Day of *June* next ensuing, intituled, *An Act to continue and amend an Act, intituled, "An Act for establishing a Court of Common Pleas, and Court of Error, within this Island, and declaring also the Method and Manner of proceeding to Judgement and Execution,"* be, and the same is hereby declared to be absolutely repealed, to all Intents, Constructions, and Purposes.

After Publication of this Act, the former Court Act repealed.

II. AND whereas several Judgements have already been obtained in pursuance of the said Act, herein-before repealed, on which Judgements Executions have not yet been done, and divers Suits have been instituted by virtue of the said Act, which yet remain to be prosecuted to final Judgement; be it therefore further enacted by the Authority aforesaid,

Proceeding upon any Action or Judgement, by the former Court Act, to be had, made, and done, by this present Act, in the same Manner as if such Action and Judgement had been commenced and obtained by virtue of this Act.

That



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Five Courts of Common  
Pleas to be held yearly,  
when and where, Num-  
ber of Judges, their Com-  
mission and Authority.

Court how to be ad-  
journed.

Judge's Oath.



How to be administred.

Proviso, no Justice of the  
Courts heretofore esta-  
blished to be displaced or  
removed.

Actions how to be en-  
tered and filed.

Secretary to minute fil-  
ing.

That all further Proceedings upon any Action, or Judgement, already commenced in the Court of Common Pleas by the said herein-before repealed Act established, shall be had, made, and done in the Court of Common Pleas by this Act established, in the same Manner as if such Action had been commenced, and such Judgement obtained, by virtue and in pursuance of this Act.

III. AND be it further enacted by the Authority aforesaid, That at the Court House, in the Town of *Scarborough* in this Island, shall be yearly holden Five Courts of Common Pleas; that is to say, One on the First *Tuesday* in the Month of *April*, One on the First *Tuesday* in the Month of *May*, One on the First *Tuesday* in the Month of *June*, One on the First *Tuesday* in the Month of *July*, and One on the First *Tuesday* in the Month of *August*, in each and every Year; which Court shall be, to all Intents and Purposes, a Court of Record, and shall consist of One Chief and Three assistant Justices, either already commissioned or to be commissioned, from Time to Time, by his Majesty, His Heirs or Successors, or by the Commander in Chief for the Time being; and that the said Justices, or any One or more of them, shall have full Power to adjourn the said Court from Day to Day, *Sunday* excepted, provided that in any One Term they shall not exceed Ten fitting Days from its Commencement, and to hear, try, and determine all Civil Actions and Suits at Law (except Special Verdicts and Demurrers) which hereafter shall be commenced in the Court hereby established, or which shall have been heretofore commenced in any Court of Common Pleas formerly established in this Island, with as ample Power and Authority as the Court of Common Pleas hath in *England*; the said Justices having first qualified themselves, upon entering on the Execution of their Offices, by taking the usual Oaths required by Acts of Parliament to be taken by Persons in Public Offices and Places of Trust; and also the Oath following in these Words, *viz.*

*I A. B. (naming himself) do sincerely swear, That I will not deny or delay Justice to any Person, but with my utmost Care and Diligence will perform the Office of Chief Justice (or Justice) of the Court of Common Pleas, held for Tobago, according to the best of my Skill and Knowledge in all Matters which shall come before me to be heard and determined, according to the Common Law and Statutes of England in Force in this Island, and according to the Laws of this Island, without Interest, Partiality, Prejudice, or Affection.*  
*So help me God.*

Which Oath shall be administred to the Chief Justice in Council, who being duly sworn, is hereby authorized and required to administer the same Oath to each of his Brethren, so appointed as aforesaid; and in case of the Absence of the Chief Justice from Court, then the other Justices, or any of them, may, and are and is hereby authorized to administer the said Oaths to each other. Provided always nevertheless, That neither the Chief Justice, or any other Justice who was commissioned and sworn as Chief Justice or Justices of the Court of Common Pleas of this Island established for this Island, by the last Act of this Island for establishing the same Courts, shall be hereby deemed to be displaced or removed from the Offices of Chief Justice or Justices.

IV. AND for the more regular Proceedings in the said Court, be it enacted by the Authority aforesaid, That all Actions to be tried shall be entered by filing a Declaration in the Secretary's Office of this Island, and the Secretary, or his lawful Deputy, shall mark on the Back of each



each Declaration, and in his Book of Minutes, the very Day the same was really filed, and prove the same upon Oath, if required, in Court; and if any Dispute shall arise as to the true Time of filing a Declaration, the same shall be settled in Court by Oath, and the true Time entered; and upon every Declaration a Summons shall issue, to give Notice for the Defendant's Appearance, in the Form following, viz.

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In case of Dispute in filing,  
the same how to be settled.

GEORGE *the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. To Our Provost Marshal of Our Island of Tobago, or his lawful Deputy, greeting.*

Summons.

*WE command you to summon A. B. to be and appear before Our Court of Common Pleas, to be held for this Island Tobago, the Day of next, at Eight of the Clock in the Forenoon, at the Town of Scarborough, then and there to answer the Action commenced against him (her or them) by C. D. contained in the Declaration hereto annexed; and hereof you are not to fail, as you will answer the contrary at your Peril.*

*Witness E. F. Our Chief (or Senior Assistant) Justice of Our said Court.*

And when any Defendant or Defendants shall appear to any Action or Actions, such Defendant or Defendants shall enter, or cause his, her, or their Appearance, to be entered in a brief Manner by Counsel in the Secretary's Books for Entry of Actions and Appearances, under the Entry of the Action appeared to; and in all Cases where the Defendant doth demur to the Declaration, or plead a Special Plea, he shall file the same in the Secretary's Office Fifteen Days before the holding of the Second Court after the filing of the Declaration, and shall give the Plaintiff, or his Counsel, at least Five Days Notice after the filing such special Plea or Demurrer, that he hath filed the same, or be obliged, at such Second Court, to plead the General Issue, or Judgement by Default shall be entered up, so that the Plaintiff may proceed to Trial the said Second Court; and in case the Plaintiff, or his Counsel, having such Notice as aforesaid, shall not reply or demur, or join in Demurrer, Five Days before the said Second Court, and give Notice within Six Hours after filing such Replication, Demurrer or Joinder, of filing the same, then the Defendant may sign his Judgement against the Plaintiff as in Case of a Nonsuit, and the Defendant shall rejoin in Twenty-four Hours after such Notice, or lose the Benefit of his Plea or Demurrer, except the Court shall think fit to alter or enlarge the Time of pleading, replying, or joining in Demurrer, or rejoining, and so of any other Proceeding; which Alteration or Enlargement the said Court, or any Judge of the same, at his Chambers, is hereby authorised to make, at any Time before the Expiration of the Time hereby limited and intended to be altered or enlarged, due Notice of the Application being first given to the adverse Party.

Appearance how to be entered.

Demurrer, or Special Plea, when to be filed, and Notice thereof given.

Replications and Rejoinders, when to be filed, and Notice given.

V. AND be it further enacted by the Authority aforesaid, That every Defendant, against whom any Action shall be entered, shall be served with a Summons, and an Office Copy of the Declaration, with a Copy of the Account annexed (if any such there be) at the same Time, by the Provost Marshal or his Deputy, at least Six Days before the Sitting of the next Court (including the Day of Service); and the Provost Marshal, or his Deputy, is hereby required to serve the same on each Defendant in Person; but if such Defendant cannot be found, and is

Actions, how and when to be served;

P

not



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not absent from this Island, then it shall be deemed good Service by leaving the Summons, with the Copy of the Declaration, at his or her most usual Place of Abode; and if the Defendant be absent from this Island, and hath a Power of Attorney recorded in the Secretary's or Register's Office of *Tobago*, and the Attorney or Attornies is or are residing in the said Island of *Tobago*, or a Manager or Overseer on his or her Plantation in this Island, the Service shall be either upon such Attorney personally, or by leaving it at the last Place of Abode of such Attorney, or it may be upon such Overseer or Manager personally, or by leaving it at the House upon the Defendant's Plantation where the Overseer or Manager usually resides; but if no such Attorney, Overseer, or Manager, then the nailing up a Copy of the Declaration and Summons at the Gate, Door, or other Entrance of the Court House, shall be held good Service. Provided always, That when any Action or Actions shall be entered against the Heir or Heirs of such Person or Persons as shall die intestate, who shall be absent from this Island, and a Copy of the Declaration or Declarations be nailed up at the Court-House as aforesaid, Judgement shall not be entered up in such Case till after the Expiration of Twelve Months from the Date of the first Declaration. And all Services of such Actions, either personal or otherwise, shall be before Sun-set of the last Day of Service, or else shall be good only for the Second Court after that Service, unless an Appearance be entered at the First Court, or the Service be accepted by Consent, and the Marshal, or his Deputy or Deputies, who shall serve such Declaration and Summons, shall prove the Service of the same in open Court upon Oath at the First Court after such Service shall have been made; and the Time and Manner of such Service, with the Person's Name by whom such Service was made, shall be entered at large in the Secretary's Book.

to be proved in Court  
upon Oath.

Service of *Scire Facias*.

VI. AND be it enacted, That Writs of *Scire facias* shall be served Six Days before the Sitting of the next Court (including the Day of Service) by the Provost Marshal or his Deputy, in the same Manner in every Respect as Actions by Declarations are herein before directed to be served, save only that the Service shall be by a Copy of the Writ attested by the Secretary or his Deputy, the Original to be kept filed in the Secretary's Office, and no Summons to go with it; the Proof of which Service in Court, if made on the Defendant's Person, or his Attorney, Manager, or Overseer, or by leaving the Copy of such Writ at the Defendant's Plantation, or most usual Place of Abode, shall amount to a *Scire feci*; but if such Service, in case of the Defendant's Absence and having no Attorney, shall be by nailing it up at the Gate of the Court-House, the same shall amount to a Return made by the Marshal, that the Defendant hath nothing in his Bailwick by which he can make him to know, and that he is not to be found in his Bailwick, which shall be as sufficient to found a Judgement as Two *Nibils* returned by the Laws of *Great Britain*; but yet Judgement or Award of Execution shall not be entered until the Second Court after such Service.

Declarations to be signed  
by the Counsel or Plain-  
tiff.

VII. AND be it further enacted by the Authority aforesaid, That all Declarations, Demurrers, and other Pleadings, shall be signed before filing by some Counsel qualified to practise in the Courts aforesaid, as herein-after required, or by the Plaintiff.

Special Bail, of whom re-  
quired, or for what Sum  
transient Persons to give  
Bail in all Cases.

VIII. AND in all Cases where the Cause of Action shall exceed the Value of Ten Pounds, and the Plaintiff shall proceed by Warrant of Arrest, the Defendant shall be required to give special Bail; and for all Debts under Ten Pounds (except against transient Persons, who shall give Bail in all Cases) no Bail Bond or Special Bail shall be required; but if  
any



any Person, an Inhabitant of this Island, shall be arrested for any Sums under Ten Pounds, the Marshal, or his Deputy, shall discharge such Person, upon such Person's indorsing or signing an Indorsement to be made upon the Warrant of Arrest, that he or she doth accept that Arrest as a Summons to answer that Complaint, and will appear to it; and such Person, before being discharged, shall swear before some Justice of the Court of Common Pleas, or Justice of the Peace of this Island, before whom the Marshal, without further Fee, shall attend with such Person, that such Person is an Inhabitant of this Island, and not about to depart therefrom; and the Justice of the Court of Common Pleas, or Justice of the Peace, shall write on the Warrant, *viz. The Defendant sworn to such Inhabitancy*, and sign it with his Name; unless the Marshal, knowing the Person to be an Inhabitant of this Island, will discharge such Person at the Marshal's Peril without Oath, and no Fee shall be paid to such Justice for such Oath.

IX. AND be it also enacted by the Authority aforesaid, That the Bail Bond to the Marshal shall be conditioned for the Appearance of the Defendant at the next Court, to answer the Action, &c. specifying in such Condition the Plaintiff's Name, the Nature of the Action, and the Sum; and it is declared, that such Appearance shall either be by giving Special Bail in Court by the Defendant and Two sufficient Sureties by Recognizance conditioned to answer and make good the Judgement that shall be given in that Action, or to surrender the Defendant's Body, as Law shall require; and in case no such Recognizance shall be given, and the Defendant's Body be not surrendered at the same Court, and committed to the Marshal's Custody, and the Commitment entered into the Secretary's Court Book, which Commitment and Entry the Defendant or his Sureties are in such Case at their Peril to get done to save their Bond, then such Bond shall be forfeited; and in case of Forfeiture of such Bond, the Bail Bond shall be assigned on Demand without further Order by the Provost Marshal or his lawful Deputy, in a concise Manner on the Back by an Indorsement, signed and sealed in Presence of One or more Witnesses, to the Plaintiff, his Executors or Administrators, as Assignees as aforesaid; and the Plaintiff may declare thereon without any precise Recital or Profert of the Assignment as Assignee, or, as Executor or Administrator of *A. B.* Assignee of *C. D.* now or late Provost Marshal or Deputy Provost Marshal of *Tobago*, as the Case shall be; and the Court may by Rule or Rules give such Relief to the Plaintiff and Defendant in the original Action, and to the Bail upon the same Bond, as is agreeable to Justice and Reason, and that such Rule or Rules of the said Courts shall have the Nature and Effect of a Defeazance of such Bail Bond.

X. AND be it also enacted by the Authority aforesaid, That in any Action or Suit not founded on a Judgement or Specialty, or Note in Writing, or Bill of Exchange, when the Writ or Warrant of Arrest is for more than is due, the Judges in Court, or any of them, or a Judge in his Chambers, may moderate and settle for what Sum Bail shall be accepted, by indorsing the same on the Warrant of Arrest in case no Bail Bond hath been given, or on the Bail Bond in case the same hath been given.

XI. AND be it also enacted by the Authority aforesaid, That where Special Bail is not given sitting the Court at the next Court precisely according to the Condition of the Bond given to the Marshal, yet Special Bail may be given by Recognizance before the Secretary or his Deputy, each of whom is hereby empowered to take the same in Office when the Court is not sitting, so that Notice be given in Writing to the

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Inhabitants arrested for less than Ten Pounds to be discharged, accepting the Arrest as a Summons, and swearing they are not about to depart the Island.

Bail Bond, Condition of:

Forfeited;  
assigned;

Proceedings thereon, &amp;c.

Defeazance.

Bail Bond may be moderated.

Special Bail may be given out of Court, and Notice thereof given.



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Proviso.

Bail Time to be excepted to.

Justified.

If not qualified, the Bail to be no Discharge of the Bail Bond to the Marshal.

When *Scire facias* or Process to go on the Recognizance of Bail.

Bail on Process discharged by Surrender of Principal, &c.

Proviso.

Costs thereon, Fees, &c.

Defendants in Custody of the Marshal, on giving Notice, and no Declaration filed in Two Days, to be discharged with Costs.

the Plaintiff or his Counsel of the Names and Abode of the Persons being Bail before the Secretary within Twelve Hours before giving such Bail, that they may be excepted to if thought proper, so as such Bail to be given before the Secretary be given before Judgement had on the Bail Bond; but after Process on the Bail Bond, the same Bond shall not be discharged without paying full Costs, and Order of Court obtained for discharging the Bond. Provided always, That if more than One Action is brought on such Bail Bond, no more than One Counsel's Fee for One Action shall be allowed in Costs.

XII. AND be it also enacted by the Authority aforesaid, That the Plaintiff shall have Forty-eight Hours and no longer after due Notice of Special Bail put in fitting the Court, and Forty-eight Hours and no longer after due Notice of Special Bail put in before the Secretary or his Deputy in his Office, to except to the Defendant's Bail; and if there be an Exception, the Bail shall be obliged to justify on Oath in Court, or before One of the Justices of the said Court at his Chambers, and the Exception shall be entered in the Secretary's Book under the Bail given, and Notice thereof in Writing given to the Defendant or his Counsel within the same Forty-eight Hours. And if no Justification within Four Days after such Notice, then, upon Affidavit of such Notice of Exception before a Judge, and filed in the Secretary's Office, the Bail so given in Court, or before the Secretary, shall be no Bar or Discharge of the Bail Bond to the Marshal, and no Notice shall be required of the Bail given in Court; and a Defendant committed for want of Special Bail, and afterwards giving Special Bail and due Notice of giving thereof, and such Bail allowed, and not excepted to in Time, shall, on Motion in Court, or before One of the said Judges in his Chambers, be discharged, first giving Twenty-four Hours Notice in Writing to the Plaintiff or his Counsel of the Time and Place of such Motion.

XIII. AND be it enacted by the Authority aforesaid, That no *Scire facias* or Process shall go on the Recognizance of Bail until an Execution against the Defendant returned that the Defendant is not found, and *Nulla bona* generally or specially, as the Case may require, and that the Bail may surrender the Principal in Discharge of themselves at any Time before Judgement against the Bail; and the Surrender of the Principal shall be by actually delivering him into the Custody of the Marshal at the Common Gaol, and the Marshal or his Deputy shall be obliged to give a Receipt under his Hand for the Person so surrendered, with the Day and Year of the Surrender, or be liable to the Party injured in an Action on the Case for all Damages; and an Affidavit of such Surrender duly made and sworn before a Judge in his Chambers, and filed in the Secretary's Office, with the said Receipt annexed, and an Entry which the Secretary shall make of such Surrender under the Recognizance of Bail, specifying the Day and Year of Surrender mentioned in the Marshal's Receipt, shall be a full Discharge of the Bail. Provided always, That in case of such Surrender, the *Scire facias* or Process against the Bail shall no Way be discharged without first paying in Court Five Pounds Costs thereon, and such further Costs as the Court shall award, and also the Officers Fees incident to the Surrender which they are or shall be lawfully intitled to receive.

XIV. AND be it further enacted by the Authority aforesaid, That in all Cases (except as herein-after provided) where the Defendant shall be in Custody of the Marshal by virtue of any Warrant of Arrest issued out of the Court of Common Pleas, either for want of Special Bail, or by being surrendered to the Marshal by the Bail as aforesaid, and shall give Notice to the Plaintiff or Plaintiffs in the Action, or his or her Counsel,



Counsel, in Writing, signed by such Principal or Counsel, of such Principal being in Custody, the Plaintiff or Plaintiffs shall, in Two Days after being served with such Notice, exclusive of the Day of Service, file a Declaration in the Secretary's Office of the said Island, against such Person so in Custody, in order that the Cause may be brought to a Trial as soon as may be; and in case the Plaintiff or Plaintiffs shall neglect to file such Declarations within the Time aforesaid, any Justice or Justices of the said Court, in open Court, or any of the said Justices, at his Chambers, may, by Order to the Marshal or his Deputy, to be entered in the Secretary's Court Book, discharge such Person out of Custody, upon due Proof being made by Affidavit, of the Service of the Notice hereby required, and on a Certificate being produced, signed by the said Secretary, of no Declaration being filed in his Office by the said Plaintiff or Plaintiffs against the said Principal, within the Time aforesaid; and such Justice or Justices, in open Court, or Justice at his Chambers, shall, by the said Order, direct the Person or Persons who sued out the Warrant of Arrest, to pay to the said Principal his or her Costs occasioned by the said Arrest, and the subsequent Proceedings before the Justice or Justices as aforesaid, to be taxed by the said Secretary; and in case the said Plaintiff or Plaintiffs who sued out the Arrest, shall refuse immediately to pay to the said Principal such Costs, then an Execution shall issue for the same against such Plaintiff or Plaintiffs, and be proceeded upon in the same Manner as Executions for Costs have been hitherto proceeded on. Provided always, That where there are Two or more Defendants to the Action, and One or more of such Defendants shall give Bail for his or her Appearance at the next Court after such Warrant of Arrest sued out, and One or more of such Defendants shall be in Custody of the Marshal for want of such Bail for his or her Appearance at the said Court, that in such Case the Plaintiff or Plaintiffs shall not be obliged to file a Declaration against the Person or Persons in Custody, until the Bail for the Appearance of the other Defendant or Defendants shall either give Special Bail as aforesaid, or surrender up the Person or Persons for whom such Bail for Appearance was given; but if such Special Bail be given for the Defendant or Defendants out of Custody, then such Bail shall immediately receive a Declaration in the original Action against the Person or Persons for whom such Bail was given, and the Cause shall proceed to Trial against all the Defendants at the Court where such Special Bail was entered into, unless the Plaintiff or Plaintiffs shall, by Motion in open Court, pray to be allowed a further Day to file such Declaration, which the Court is hereby empowered to allow or disallow, so that such Indulgence do not exceed Six Days at the farthest, from the Day on which the said Motion was made; and where such Special Bail shall be given out of Court, and such Defendant or Defendants, for whom Bail for his or her Appearance as aforesaid was given, be surrendered to the Custody of the Marshal, then the Declaration against such Defendant or Defendants shall be filed within the Time herein-before mentioned, and all the Remedies hereby given to a Person in Custody, where but One Defendant, in case of the Plaintiff or Plaintiffs neglecting to proceed in the Cause, shall extend in the like Manner to every such Defendant for whom Special Bail shall be given out of the Court, or who shall be surrendered up after Bail given for his or her Appearance as aforesaid.

XV. AND be it enacted by the Authority aforesaid, That all Actions for small Sums, not exceeding Ten Pounds of Current Money of *Tobago*, founded upon simple Contracts, Notes in Writing, Orders in Writing,

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Exception, in case of several Defendants.

Actions for Sums not exceeding 10*l.* to be determined on a Complaint.

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Proceedings thereon.

Judgement on a Complaint  
may be pleaded in Bar to  
other Complaints.

Set off in Discount, and  
Notice thereof.

Mutual Credit to be given.

Executors or Administra-  
tors being Defendants,  
may plead fully admini-  
stered, &c.

Execution and Sale.

When the Court of Com-  
plaints to be held, and  
how adjourned.

Evidence of Complaints,  
in case of Sickness, &c.

or accepted Orders, or for the Balance of any Account settled under the Hand or Hands of a Defendant or Defendants, or for the Balance of any other Account which did not originally exceed Thirty Pounds Current Money, (but no other Kind of Action, nor for any collateral Promise for a Debt or Duty due from another) may be examined, heard, and determined, on a Complaint, by the Court, without any Verdict of a Jury; and every such Complaint shall be served at least Forty-eight Hours before the first Day of holding the Court at which it requires the Parties Appearance, by leaving it, or a Copy of it, with the Defendant, or at his usual Place of Abode; and in Default of such Service in Time, the Complaint shall be continued to the second Court for Complaints, and the Service to be good for such second Court next after such undue Service; and a Plaintiff, in a Complaint where an Account is depending, shall deliver in an Account in Writing of his Demand, which shall be annexed to the Complaint served on the said Defendant; and the Plaintiff shall make out and carry Two Copies of his Account to the Secretary's Office, One to remain in the Office, and the other to be annexed as aforesaid. And that Complaints may not be multiplied, the Judgement on a Complaint shall and may be pleaded in Bar to any other Complaint which may be afterwards brought for any other Demand the Plaintiff had against the Defendant or Defendants precedent to the Entry of such first Complaint, by any Contract (except Demands arising by Notes in Writing exceeding Ten Pounds, Bills of Exchange, Judgement, or Specialty). And in case the Defendant in such Complaint shall have any Demand against the Plaintiff previous to the bringing of the said Complaint, and shall not set off the same in Discount of the Plaintiff's Demand, giving Twelve Hours Notice to the Plaintiff thereof before the next Court for hearing and determining the said Complaint, the Judgement in such Complaint shall and may be pleaded by the Plaintiff in Bar of any Demand of an equal Nature which the Defendant had against him, upon any Complaint to be thereafter brought by the Defendant for the same; and on hearing and determining Complaints, mutual Credit shall be given, and Judgement only for the Balance where each Party hath an Account against the other; and where Executors or Administrators are Defendants to such Complaints, they may plead fully administered generally *ore tenus*, and a short Entry thereof to be made by the Secretary in the Complaint Book under the Complaint, and the Plaintiff shall have Time to the next Court of Complaints to join Issue thereon, and the Court then to determine the same; and the Executions upon Complaints shall be to take and sell, for ready Gold and Silver Money, by Outcry, in the Town of *Scarborough* in this Island, in Ten Days, the Defendant's Goods, Chattels, and Slaves; and, in Default thereof, to take the Defendant's Body. But in case of Executors or Administrators Defendants, the Execution shall be of the Testator's or Intestate's Goods, Chattels, and Slaves. And such Complaints shall be heard on the *Monday* preceding the *Tuesday* in each of the Five Months hereby before appointed for holding Courts, or such other Day, not being a Court Day, as the same Court for Complaints on necessary Occasions shall be adjourned to, so as no such Adjournment shall exceed Seven Days from the first Day hereby appointed for each respective Court of Complaints.

XVI. AND be it enacted by the Authority aforesaid, That in case the Plaintiff or Defendant in such Complaint, or his or their Witness or Witnesses, shall be prevented by Sickness, or otherwise disabled from attending



attending the Court appointed for determining the same, then the Deposition of such Plaintiff or Defendant, or his or their Witness or Witnesses, taken before any of the Justices of the Court of Common Pleas, shall be held, taken, and esteemed good Evidence in such Complaint, as if the Plaintiff or Defendant, or his or their Witness or Witnesses, had given their Evidence *viva voce* in Court, either Party first giving to the other Eight Hours Notice of such Sickness, or other Disability, and of the Time and Place of taking such Deposition, by delivering such Notice to the Plaintiff or Defendant, or his or their lawful Attorney, or leaving the same at his or their last or most usual Place of Abode, proving the Service thereof, and that the Evidence of such Plaintiff or Defendant, or his or their Witness or Witnesses, is material to the determining such Complaint.

XVII. AND be it further enacted by the Authority aforesaid, That no Person whatsoever shall be exempt or privileged from Arrests, as aforesaid, in Civil Actions between Party and Party. Provided always, That no Heir, Devisee, Executor or Administrator, can be arrested, or shall be obliged to give Special Bail, but in Cases where required by the Common Law or Statutes in *England* in Force here, and shall be discharged on a Common Appearance, where not so bound to give Special Bail.

XVIII. AND be it enacted by the Authority aforesaid, That in all Cases where the Defendant shall make Default, or neglect to enter his Appearance at the Second Court, before Judgement shall pass against him by *nihil dicit*, and in all Cases where Judgement shall go on Demurrer, the Plaintiff shall be obliged to make a legal Proof of the Debt before the Justices only, and not before a Jury, where the Action is an Action of Debt for Money Sterling, or Current Money of *Tobago*; but where in an Action of Debt the Defendant was bound in Foreign Money, or in Goods, (the Values of which being variable), or wherein any Action upon the Case, or other Action, Damages only are to be recovered, the same shall be enquired of and assessed, without further Notice, by a Jury at that Court where Default is made, or Judgement given on Demurrer, or at any other Court, as shall be directed and appointed by the Court; upon which Verdict Judgement shall be immediately given, unless otherwise ordered by the Court.

XIX. AND be it enacted by the Authority aforesaid, That for the Trial of all Causes (except Complaints) a General *Venire facias* shall be issued by the Secretary, or his Deputy, for each of the said Courts which are to be held annually in the said Months of *April, May, June, July, and August*, directed to the Provost Marshal, or his Deputy, to summon Twenty-four Freeholders, or other Persons herein-after qualified to serve as Jurors, to appear at each of the same Courts as Jurors; which *Venire* shall be issued Ten Days before the Court Day, and every Juror shall be summoned Four Days before the Day of his Appearance is required; and the Summons shall be a short Writing, signed by the Provost Marshal, or his Deputy, and dated, and run to this Effect, viz. Mr. A. B. (naming the Juror) *appear as a Juror next Court of Common Pleas, to be held on the Day of next*; and shall be left at the Juror's Place of Abode; and all Trials between Party and Party (except as before excepted) shall be by Jurors of Twelve honest and lawful Men of the Island, being Freeholders, Merchants, or Traders, or Lessees, or Managers or Principal Overseers of Estates, in the said Island; all which Jurors shall be sworn well and truly to try all and singular the Issues joined, and which shall be given them in Charge,

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No Person to be exempted from Arrests in Civil Actions; Provost, Heirs, Devisees, Executors, or Administrators.

Actions of Debt for Sterling or Current Money Debts to be proved before the Justices only, before Judgement by *nihil dicit*, or on Demurrer; but where Defendant's bound in Foreign Money, or Goods, the same shall be enquired of by a Jury.

Damages how to be assessed.

*Venire facias* to be issued (by the Secretary for each Court of Common Pleas, directed to the Marshal, to summon 24 Jurors) 10 Days before the Court-Day.

Jurors to be summoned Four Days before their Attendance is required.

Form of Summons.

Trials to be by 12 Jurors.

Qualification and Oath.



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All Persons qualified to  
serve as Jurors, alphabet-  
ized and summoned in  
Turn;

Charge, and truly to assess Damages on all Enquiries of Damages which shall be given them in Charge, and to give true Verdict on each respective Issue and Enquiry, according to the Evidence that shall be given unto them.

except Defaulters, who  
may be summoned a Se-  
cond Time, or oftener.

Marshal partially sum-  
moning Jurors fineable,  
&c. not under 50*l.* or  
above 100*l.*

XX. AND to the End that all Persons, liable to serve on Juries in the Court of Common Pleas hereby established, may bear as near as may be an equal Share of the same Duty, it is hereby enacted by the Authority aforesaid, That the acting Provost Marshal, or Deputy Provost Marshal of this Island, shall, before the Second Court next ensuing the Commencement of this Act, cause to be written fairly in a Book, in an alphabetical Order, the Names of all Men Freeholders, Merchants or Traders, and Lessees, and Managers or Principal Overseers of Estates within this Island; which Book shall begin under each Letter with the Surname of each Person, and shall be lodged with the Secretary of this Island, before or on the same Day, and a Copy thereof to be kept by the same Marshal, or his Deputy, for his own Use; which last mentioned Book the Secretary shall bring constantly to the Court of Common Pleas aforesaid: And between the End of the Names, under each Letter of the Alphabet, shall be left a considerable Space, fit to contain as many more Names, wherein shall be written the Names of any Persons who shall after become Freeholders, either by Purchase, Descent, or otherwise, or shall afterwards become Merchants or Traders, or Lessees, or Managers or Principal Overseers of Estates; and when any of the first named Freeholders die, or lose their Freeholds, their Names shall be struck out of the same Book, and the New Freeholders added; and the Marshal, or his Deputy, is hereby required, every Year, between the last Day of *August* and the First Day of *March*, to regulate the said Book, by striking out the Names of those that die or depart this Island, and putting in the Names of the new Freeholders, Merchants, Traders, Lessees, and Managers or Principal Overseers of Estates; and the Marshal is hereby required to summons all the Freeholders, Merchants or Traders, Lessees, and Managers or Principal Overseers of Estates, in their Turns, who are not exempt from Juries, and shall summon One of each Letter of the Alphabet as long as there are Names of Freeholders, Merchants or Traders, or Lessees, or Managers or Principal Overseers of Estates, under each Letter; and when all the Freeholders, Merchants or Traders, Lessees, and Managers or Principal Overseers of Estates, under One or more Letters, have been summoned, so that One under every Letter cannot be had, then the same shall be supplied by Names under the other Letters, till each Freeholder, Merchant or Trader, or Lessee, or Manager or Principal Overseer of Estate, hath been summoned in his Turn; save and except that where any Freeholder, Merchant or Trader, or Lessee, or Manager or Principal Overseer of Estate, shall make Default of Appearance, such Freeholder, Merchant or Trader, Lessee, and Manager or Principal Overseer of Estate, shall and may be summoned a Second Time, or oftener, successively, as herein-before or after directed; and save and except to all Persons their just Challenges to Jurors, and save to the Court Power of ordering Special Juries; and the Secretary shall carefully keep the Lists of Jurors returned at each Court of Common Pleas, in order to compare with the said Jurors Book: And if the Marshal, or his Deputy, shall any way act partially in summoning Jurors as aforesaid, or fail in his Duty with relation to making or lodging with the Secretary, or his Deputy, the said Book of Jurors, or regulating the said Book annually, he shall be liable to a Fine, not under Fifty Pounds,

nor



nor above One hundred Pounds, Current Money of *Tobago*, to be recovered by Information in the Court of Common Pleas, or any Court of Record in this Island; the One Half to the Use of His Majesty, His Heirs and Successors, to be paid to the Treasurer of this Island for the Time being, to be applied to the publick Purposes of this Island; and the other Half to the Informer, who shall sue and prosecute for the same, wherein full Costs shall be recovered by such Informer; and such Informer shall pay Costs, if he becomes nonsuit, discontinue, or Judgement against him, on Verdict, Demurrer, or otherwise, and therein no Effoin, Protection, Wager of Law, or more than one Imparlance, be allowed.

XXI. AND in case any of the Persons aforesaid shall make Default in appearing, (Proof being made upon Oath of his being duly summoned) and shall fail to make a just and reasonable Excuse for his Absence to the Satisfaction of the Court, he shall forfeit to his Majesty's Use Five Pounds Current Money of this Island; for which Fine of Five Pounds, an Attachment shall issue against the Body of the Person so failing to appear, and he shall be imprisoned until he shall pay the said Fine of Five Pounds, with the Gaol Fees, and *toties quoties* as he shall make Default upon any new Summons, until he shall serve as a Juror; and for want of a full Jury of Twelve Men, in any Cause to be tried, or Damages to be assessed, such Jury to be made up of the Standers-by, being qualified as aforesaid, to be returned instantly by the Provost Marshal, or his Deputy.

XXII. AND be it, and it is hereby enacted by the Authority aforesaid, That no Person, being qualified to serve on Juries as aforesaid, shall, when duly summoned, be exempted or excused from serving thereon, except only such as are of His Majesty's Council, the Speaker of the Assembly, or Justices of the Court hereby established, or Barons of the Exchequer of this Island, or Judge of the Admiralty, Clergymen, or sworn Practitioners in Law, or Officers of the Courts hereby established, or of the Court of Exchequer held for this Island, or Officers of His Majesty's Regular Troops, or Practitioners in Physick or Surgery duly licensed, or sworn Pilots, or sworn Officers of His Majesty's Customs.

XXIII. AND for Appearance of Witnesses to give Evidence in Causes, a Writ of *Subpœna* shall issue, expressing the Cause in which their Evidence is required, and shall be served by any White Person on the Witness or Witnesses personally, Four Days before the Day of Attendance, by a Copy, and shewing the Original, without any Tender or Payment of Charges; and if the Witness make Default to attend, not being sick, or otherwise disabled, on due Proof of the Service of the *Subpœna*, One or more of the Justices of the said Court, then sitting, shall and may impose a Fine of Ten Pounds, Current Money, upon such Witness so subpœna'd and making Default; for which Fine the said Justice or Justices shall award an Attachment against the Body of such Witness, who shall be imprisoned until Payment be made of the said Sum, and of all Gaol Fees: And further, each Witness, so subpœna'd as aforesaid, and making Default, shall forfeit Fifty Pounds Current Money of *Tobago*, to be recovered by Attachment, specifying the Cause, and in the Name of the Party aggrieved; to which Attachment a Freeholder shall give Special Bail, and may plead, and on Issue thereon joined, it shall be tried by a Jury as other Actions; and on Default, Confession, or Demurrer, Judgement shall go thereon as in other Actions; and One Moiety of the Forfeiture, if recovered, shall be to the Use of the Party aggrieved, and the other Moiety towards publick Purposes of this Island;

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and

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How to be applied.

Penalty on Jurors not attending when duly summoned.

When Jury may be made up of the Standers-by.

Persons exempted from serving as Jurors.

*Subpœna* on Witnesses, how to be served.

Penalty on Defaulters, how recovered and applied.



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Witnesses allowed their  
Expences.

Material Witnesses not  
attending Causes, for ad-  
journing, &c.

No Factor, &c. admitted  
to give Evidence.

Writs, Test, Seal, and  
Fees.

Witnesses about to depart  
this Island, &c. may make  
Deposition.

Witnesses about to go off  
the Island, to be summon-  
ed to give Testimony.

Defaulters fineable.

and the Plaintiff, if he recovers, shall have Costs, and pay Costs if nonsuited, a Verdict against him, or he discontinue, or Judgement against him on Demurrer or by Default.

XXIV. AND be it enacted by the Authority aforesaid, That Witnesses be allowed their Expences by the Party that summons them, as shall be adjudged by the Court, if required in open Court; and in case the Evidence of such Witness who shall not attend, shall appear to the Court upon Oath to be material in the Cause depending, the Court is hereby required, in all such Cases, to adjourn the Hearing of the Cause until the next Court following, in case the Party for whom such Witnesses should have appeared shall desire the same, paying to the other Party such Sum as the Court shall order for full Costs and Charges of the Day, so that Oath be made of due Service of a *Subpoena* on such Witness or Witnesses, or else the Cause to proceed.

XXV. AND be it, and it is hereby enacted by the Authority aforesaid, That no Person or Persons, who shall in any Cause appear to be intitled to take any Factorage or Commission, shall be admitted to give Evidence in such Cause on Behalf of his or their Employer or Employers.

XXVI. AND be it, and it is hereby enacted and ordained by the Authority aforesaid, That all Writs issuing out of this Court shall run in His Majesty's Name, and bear Test in the Name and under the Seal of the Chief Justice for the Time being, or in case of his Death or Absence from this Island, in the Name and under the Seal of the next puisne Judge of the said Court in Commission on the Island, for which a proper Seal shall be left in the Secretary's Office; and the same Fee or Fees shall be paid into the Hands of the Secretary, for the Use of the Justice, as hath been heretofore accustomed to be taken, until a Docket of Fees shall be legally established.

XXVII. AND be it enacted by the Authority aforesaid, That in case any Witness or Witnesses, in any Cause or Suit depending in the said Court, shall be about to depart from this Island, or shall be aged, or extremely sick, lame, or otherwise disabled from attending upon the Trial of such Cause, then the Deposition of such Witness or Witnesses, taken upon Oath before the Chief Judge, or any puisne Judge of the said Court, in the Presence of the Plaintiff and Defendant, or their Counsel, or in the Presence of either of them, or his or her Counsel, where the other Party make Default, after due Summons as herein-after directed, shall be held, taken, and esteemed, good and sufficient Evidence in Law, in that Cause or any other Cause, for the same Thing, at Common Law or in Equity, between the same Parties, their Heirs, Executors, Administrators, or Assigns; and the same Deposition shall be recorded, after it is produced in Court, in the Secretary's Office of *Tobago*, among the Proceedings of that Cause, at the Expence of the Party producing it, and a Copy of that Record shall be equal to the Original, so as the same be proved on Oath to be a true Copy, and examined with the Record thereof.

XXVIII. AND be it enacted by the Authority aforesaid, That in any Suit at Law hereafter to be brought in the said Court, a Summons, specifying the Cause, and some certain Day, Hour and Place, shall issue, at the Request of the Plaintiff or Defendant, to any material Witness, who shall be about to go off this Island, requiring his Appearance to give Testimony before the Judge or Judges, who shall sign such Summons, according to the Tenor thereof; which said Summons shall be served at least Forty-eight Hours before the Time of Appearance: And in case such Witness make Default to attend (not being



being extremely sick or otherwise disabled), [then such Witness shall, upon Affidavit made of the Service of the Summons, be subject to the same Fine and Action herein-before given against Witness or Witnesses neglecting or refusing to attend to give Evidence in Court.

XXIX. AND in case there be a Neglect of Attendance on Behalf of the Plaintiff or Defendant, after the Party, or his Counsel, has been personally served Forty-eight Hours before the Attendance required, with a Copy, and Sight of an Original Summons, signed by the Chief Justice, or any One of the puisne Judges of the said Court, specifying the Name of the Cause, with the Day, Hour, and Place of Examination, and Witnesses Names; or if the Party or Counsel shall be absent from Home, the Service to be by leaving a Copy of the Summons at the House of either of them; and such Service being proved upon Oath, such Deposition may nevertheless be taken in his Absence, and allowed to be good and sufficient Testimony, as last above-mentioned; any former Law, Usage, or Custom, to the contrary notwithstanding: And the Judge who takes such Deposition, shall immediately deliver the same, sealed and indorsed, into the Secretary's Office, which shall be filed by the Secretary with the Pleadings in the Cause in which such Deposition shall be taken; and the Judge, before whom the Deposition shall be taken, shall certify thereon whether both Parties attended, or any for them; and if either Party make Default, whether Proof of due Service of a Summons was made on the Party against whom the Deposition was taken; and Perjury in such Deposition shall be punishable here, as wilful Perjury in Courts of Record in *England* is punishable by the Common Law of *Great Britain*.

XXX. AND in Causes depending in this Island, Examination of any Witness or Witnesses, taken before any Chief or Lieutenant-Governor, or President of the Council, where there is no Lieutenant-Governor, or before any Judge of the King's Bench, Common Pleas, or Exchequer, in the Island of *Grenada*, the *Grenadines*, *St. Vincent*, and *Dominica*, or before any Judge of any Court or Courts of Law now erected, or to be erected, in the respective Islands of *Nevis*, *St. Christophers*, *Antigua*, or *Montserrat*, or any of the Southern or Leeward *Caribbee* Islands, and *Barbados*, shall be in the like Manner good Evidence as those taken duly before a Judge of this Island, so as Three Calendar Months Notice, if the Witness is to be examined in the Islands of *Nevis*, *St. Christophers*, *Antigua*, or *Montserrat*, and Two Calendar Months Notice if to be examined in *Barbados*, *Grenada*, *St. Vincent*, *Dominica*, and the *Grenadines*, be given of the Time and particular Island, Town and House, where such Examination is to be taken personally, to the adverse Party, or his Counsel; and such Deposition to be certified under the Hand and publick or private Seal of the Person taking such Deposition; and such Deposition, after being read in Court, shall be filed, and left in the Secretary's Office of this Island, and there recorded at Length among the Proceedings relating to that Cause, and a Copy of the Record shall be equal Evidence with the Original; and Perjury in such Depositions shall be punishable here, if the Deponent can be taken in this Island, as wilful Perjury in Courts of Record in *England* is there punishable by the Common Law of *Great Britain*.

XXXI. AND be it, and it is hereby further enacted by the Authority aforesaid, That from and after the passing this Act, in any Action or Suit then depending, or thereafter to be brought, in any Court of Law or Equity in the said Island of *Tobago*, for or relating to any Debts or Accounts wherein any Person residing in the Kingdom of *Ireland*, Con-

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The Deposition of such Witnesses how to be taken in the Absence of the Plaintiff or Defendant;

allowed to be sufficient Testimony.

Perjury in such Cases how punishable.

Examination of Witnesses before Governor, Judge, &c.

in the Southern or Leeward *Caribbee* Islands, to be good Evidence.

Notice to be given in such Cases.

Deposition to be recorded,

and Copy of Record equal to Original.

Affidavit taken before a Governor, Mayor, or Judge of a Court of Record in *Ireland*, or the Plantations, and certified under their Seal, to be good Evidence.

tinent



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Proviso.

Notice to be given Nine  
Months before Examination.

Persons making such Affidavit,  
guilty of Perjury  
punishable.

Deeds, Conveyances,  
Letters of Attorney, &c.  
made out of the Island,

how to be good Evidence.

continent of *America*, or any other of His Majesty's Colonies or Plantations, shall be a Party, it shall and may be lawful to and for the Plaintiff and Defendant, and also to and for any Witness to be examined and made use of in such Action or Suit, to verify or prove any Matter or Thing, by Affidavit or Affidavits, in Writing, upon Oath; or in case the Person or Persons, to verify or prove such Matter or Thing, be one of the People called *Quakers*, upon his or her Solemn Affirmation, in Manner following; that is to say, such Affidavit or Affirmation to be made before the Chief Governor, or the Person in Command for the Time being, Mayor, or a Justice of any Court of Record where or near to which the Person making such Affidavit or Affirmation shall reside; which Affidavit or Affirmation, under the Hand and Seal of Office of such Chief Governor, or the Person in Command for the Time being, Mayor or Justice, or under the private Seal of such Chief Governor, or the Person in Chief Command for the Time being, Mayor or Justice; which Oath and Solemn Affirmation every such Chief Governor, or the Person in Command for the Time being, Mayor or Justice, shall be, and is hereby authorised and impowered to administer; and every Affidavit or Solemn Affirmation, so made, certified and transmitted, shall, in all such Actions and Suits, be allowed to be of the same Force and Effect as if the Person or Persons making the same, upon Oath or Solemn Affirmation as aforesaid, had appeared and sworn or affirmed the Matters contained in such Affidavit or Affirmation *viva voce* in open Court, or upon a Commission issued for Examination of Witnesses, or of any Party in any such Action or Suit respectively: Provided, that in every such Affidavit and Affirmation there shall be expressed the Addition of the Party making such Affidavit or Affirmation, and the particular Place of his or her Abode; and provided also, that Notice in Writing shall have been given to the Plaintiff or Plaintiffs, or Defendant or Defendants, in such Actions or Suits, or his, her, or their Counsel, of the Name or Names of the Witness or Witnesses so to be examined, and of the Time and Place where such Examination is to be taken, Nine Months before the taking of such Examination, in order to give the adverse Party an Opportunity of examining such Witness or Witnesses.

XXXII. PROVIDED always, and it is hereby further enacted, That if any Person, making such Affidavit or Solemn Affirmation as aforesaid, shall be guilty of falsely and wilfully swearing or affirming any Matter or Thing, in such Affidavit or Affirmation, which, if the same had been sworn upon an Examination in the usual Form, would have amounted to wilful and corrupt Perjury, every Person so offending, being thereof lawfully convicted, shall incur the same Penalties and Forfeitures as by the Common Laws of *Great Britain* are provided against Persons convicted of wilful and corrupt Perjury.

XXXIII. AND be it enacted by the Authority aforesaid, That Conveyances and Deeds, and also Letters of Attorney, Procurations and other Powers in Writing, made in Places out of this Island, which shall, at any Time after the Publication of this Act, be produced in any Court of Justice within this Island, with a Deposition proving the same, sworn before the Lord Mayor of *London*, *York*, or *Dublin*, or any other Mayor or Chief Officer of any City or Town Corporate within the Kingdoms of *Great Britain* or *Ireland*, and attested under the Publick Seal of such City or Town Corporate, or sworn before and attested under the Hand and Publick Seal of any Chief Governor, a Magistrate, Lieutenant Governor, or President of the Council of any Colony in His Majesty's Dominions, and annexed to the Thing proved, shall be deemed,



deemed, adjudged, and taken, as sufficient Evidence in Law and Equity, as if the Witness therein named, and having subscribed the same, were personally present, and made such Proof *viva voce*: Provided such Deeds, if concerning Lands and Tenements, and Slaves, be in all Respects duly recorded in the Register's Office of Tobago, as the Law of Tobago requires.

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Proviso, Deeds concern-  
ing Lands and Slaves to  
be recorded.

XXXIV. AND be it further enacted and ordained by the Authority aforesaid, That Proof in the common Form of Wills, under the Seal of the Prerogative Court of *Canterbury*, or under the Seals of any other Court for the Probates of Wills in his Majesty's Dominions hereinbefore mentioned, shall be allowed and taken *prima facie* as good Proof of such Wills both in Law and Equity, to prove real and personal Devises and Bequests within this Island, such Wills and Probates being first recorded in the Secretary's Office of this Island; and in case of Devises of such Realities, to be first recorded both in the Register's and Secretary's Offices of this Island, with the Probates: Saving always the Right of every Person to invalidate, disprove, or set aside the same Wills, by lawful and equitable Causes, as though this Act had not been made.

Probates of Wills.

XXXV. AND be it enacted and ordained by the Authority aforesaid, That where Judgement by Default shall be obtained against any Person or Persons then absent from the said Island, who shall afterwards return, and make it appear, by *Audita querela* by him brought within the Space of Two Years after Judgement obtained, that more Money, in his or their Absence, hath been levied and paid to the Plaintiff, by virtue of any Execution, than actually and *bona fide* due, the Overplus shall be returned by the Plaintiff who obtained such Judgement; and upon Refusal to make such Repayment, the Sum to be returned shall be levied by virtue of an Execution, as in other Cases herein-after directed; and Costs shall be allowed to the Plaintiff in the *Audita querela*, if he recover, except against Executors or Administrators; and the same Plaintiff shall pay double Costs, if he doth not recover, although he be an Executor or Administrator.

*Audita querela*, when  
Execution on Judgement  
by Default for more than  
due.

XXXVI. AND be it further enacted by the Authority aforesaid, That where Judgement shall pass by Default against any Person being *Non compos Mentis*, or in Prison in any Place out of this Island, or by Default against any Infant; all such Judgements, obtained against such Person or Persons, shall be set aside in the same Court by *Audita querela* at any Time, where the Sum is too small for the allowing a Writ of Error by the Royal Instructions and Laws of this Island, or by Writ of Error in the Court of Error in this Island, where the Sum is sufficient to maintain a Writ of Error, except in such Cases where Infancy, by the Laws of *England*, is not assignable for Error; in which Cases no Advantage shall be taken of Infancy after Judgement, either by *Audita querela* or Error; and this Court, or any of the Justices thereof out of Court, shall, upon Request of Plaintiff or Defendant, assign a Guardian to defend for an Infant, or a Guardian, or next Friend, to sue and prosecute in each Suit.

*Audita querela* for *Non  
compos*, Prisoner, absent  
Persons, or Infant.

XXXVII. AND be it enacted by the Authority aforesaid, That all Verdicts of Jurors shall be entered briefly on the Back of the Declaration, and recorded in the Secretary's Book immediately after the entering of the Pleadings in the Cause; and if either Party requires a special Verdict, and the Court direct the Jury to find specially, the Jury is hereby required to find specially; and such Direction, and at whose Prayer, shall be entered in the Secretary's Book; and if the Jury, being directed by the Court to find specially, find generally, it shall be good Cause for a new Trial, if prayed, and a new Trial for that Cause shall

Verdicts to be entered on  
the Back of Declaration,  
and recorded in the Se-  
cretary's Book.

Special Verdicts found if  
required.

Good Cause for new  
Trial.



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Courts for hearing Special Pleadings, how many Judges to consist of.

No Abatement by Non venue of Judges.

Death of Parties between Verdict and Judgement not Error.

The Action abated.

Pleading several Pleas.

Judgement when to be entered up. Arrest of Judgement. Notice.

be granted accordingly without Costs, on Motion before Judgement entered up, and the Motion for a new Trial shall be entered in the Secretary's Book.

XXXVIII. AND be it enacted by the Authority aforesaid, That where any Special Matter is pleaded, Special Verdict is found, or Demurrer joined, that Three Justices of the Court, whereof the Chief Justice, if on the Island and well, and no Party, to be One; but if he is sick, absent, or a Party, any Three of such Justices, not being Parties, shall and may, and are hereby impowered to hear and determine the same, on such Days as shall be appointed by the Court; and if it shall happen that there shall not be Three such Justices not Parties, it shall be heard and determined by such of them as are not or is not Party or Parties, whether Two or One only; and if a sufficient Number of Justices shall not appear at the Day appointed to hear the said Verdict, Demurrer, or Special Matter argued, then such Default shall not be a Discontinuance, but any One Justice may adjourn the Court, and appoint any other Day for hearing the said Verdict, Demurrer, or Special Matter argued, and giving Judgement thereon, and so to adjourn from Time to Time as Occasion shall require; and in case no One Justice shall appear at the Day, then the Cause shall not be discontinued for Want of Adjournment, but the Chief Justice, if no Party, sick, or absent, may appoint another Day and Place, on Application of the Plaintiff or Defendant, or their Counsel, by Summons under his Hand, for hearing and determining the same, and so may the next Senior Judge, in case the Chief Justice be Party, sick, or absent; and there shall be at least Six Days between the issuing the Summons and Time for hearing and determining, and Three Days Notice (exclusive of the Day of Notice, and inclusive of the Day of arguing) shall be given, by a Copy of the Summons served upon the other Party or his Counsel, or left at either of their Places of Abode.

XXXIX. AND be it further enacted by the Authority aforesaid, That the Death of either Party between the Verdict and Judgement shall not be alledged hereafter for Error; but in case any Person suggests in the Secretary's Book of Actions, at any Time before Judgement, that the Party is dead, and the contrary be insisted on, the Court shall order the Point to be tried by a Jury; and if the Party be found to be dead, the Judgement shall be stayed and the Action abated.

XL. AND be it enacted by the Authority aforesaid, That it shall and may be lawful for any Defendant or Tenant in Action or Suit, or for any Plaintiff in Replevin, with Leave of the Court, to plead as many several Matters thereto as he shall think necessary for his Defence, so as he does not plead more than Three Pleas by pleading such several Matters. Provided always, That if any such Matter shall, upon a Demurrer joined, be judged sufficient, Costs shall be given, at the Discretion of the Court; or if a Verdict shall be found upon any Issue in the said Cause for the Plaintiff and Defendant, Costs shall be also given in the like Manner, unless the Court shall be of Opinion that the said Defendant or Tenant, or Plaintiff in Replevin, had a probable Cause to plead such Matter, which, upon the said Issue, shall be found against him.

XLI. AND be it also enacted by the Authority aforesaid, That after the Verdict given for the Plaintiff, the Defendant shall have Time until the next Court to move Arrest of Judgement or new Trial, and shall be obliged to give Notice of such Motion Four Days before the Court, after the same Manner as Notice is to be given of Special Pleadings;



Pleadings ; and if Judgement be not arrested, or a new Trial granted, the Plaintiff's Judgement shall be compleat.

XLII. AND be it enacted and ordained by the Authority aforesaid, That as soon as Judgement shall be obtained, the Plaintiff may take out Execution, which shall bear Test in the Name of the Chief Justice, or in case of his Death or Absence, in the Name of the next Senior Justice, and shall be signed by the Secretary or his lawful Deputy, in the Form following, viz.

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When Execution may be taken out.

GEORGE the Third, by the Grace of GOD, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To the Provost Marshal of Tobago, or his lawful Deputy, greeting. Their Form.

WHEREAS at Our Court of Common Pleas, held for this Island, on the (Day of the Month) in the Year Judgement was obtained against C. D. at the Suit of A. B. for the Sum of current Money of this Island (and if the Action were for Sterling Money, it shall be) for current Money of this Island, for the Value in Exchange of Sterling, lawful Money of Great Britain (and if it be on a Penalty for Payment of less, it shall be) for the Penalty of for securing the Payment of the Sum of with Interest at the Rate of per Centum per Annum, from the Day of in the Year of our Lord with Costs. We do therefore require and command you to levy the same, with the Costs taxed hereon, and all subsequent Costs of this Execution, on the Goods and Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges and Annuities, belonging to the said C. D. and Debts due to the said C. D. in the Manner directed and appointed by virtue of a certain Act of this Island in that Case made and provided; and in case you cannot immediately find sufficient Goods and Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges, Annuities and Debts, of the same C. D. you are to attach the Body of the same C. D. and him safely to keep until the said Judgement be satisfied; and of your Proceedings herein you are to make Return, within Sixty Days from the Date of this Our Writ, into the Secretary's Office of this Island; and hereof fail not, as you will answer the contrary at your Peril.

Witness E. F. Our Justice of Our said Court, the Day of in the Year of Our Lord and in the Year of Our Reign.

Upon which Execution, in case of Penalty and a less Sum due, then a Levy shall be made for only such less Sum as is specified in the Body of or Indorsement upon the Execution, with the Interest, if any, and the Costs taxed, with subsequent Costs of the Execution; nor shall Fees of Levy in any Case be paid for any more than the Plaintiff shall actually receive or be paid of his Demand, after such Execution delivered to the Marshal or his Deputy, and actually levied; which Levy the Marshal or his Deputy shall make in pursuance of the said Execution, except the Marshal or his Deputy shall be prevented from proceeding thereon by a Note in Writing from the Plaintiff or his Counsel; and after such Notice in Writing as aforesaid, the Marshal or his Deputy shall not proceed to levy the same, until further Orders in Writing from the Plaintiff or his Counsel; and such Execution, if not stayed in Manner aforesaid, or being once stayed, shall be directed by the Plaintiff or his Counsel to be proceeded upon, shall be executed by the

For how much to be levied.

Marshal to levy, unless prevented by a Note in Writing.



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 Cap. 31.  
 Order of Levy.

Marshal to give Seven  
 Days Notice before the  
 Time he intends to make  
 Levy on Lands and Te-  
 nements.

Levy on Rent Charges  
 and Annuities, &c.

Frauds on Creditors by  
 Debtors running off these  
 Islands, &c.

Debts attachable after  
 Action brought, and in  
 what Manner.

the said Marshal or his Deputy in Manner following, *viz.* In the first Place, on the Cotton, Sugar, Rum, or any other Commodities of the Growth or Manufacture of this Island, being the Goods and Chattels of the Defendant; then on the Household Furniture, Plate, and other Goods of the Defendant; and for want of such Goods and Chattels sufficient to satisfy the same Judgement, then on the Slaves of the Defendant, not annexed to the Freehold; and for want of a sufficient Number of such Slaves to satisfy the same Judgement, then upon such sufficient Part of the Lands, Tenements, Hereditaments, Cattle, Mules, Horses, and Slaves, annexed to the Freehold of the Defendant, as shall be shewn unto him by the said Defendant, if he or she think fit to attend; but in case such Defendant shall neglect or refuse to be present, the said Marshal or his Deputy is to levy on such Part of his or her Lands, Tenements, Hereditaments, Cattle, Mules, Horses, and Slaves, annexed to the Freehold, as shall be sufficient to satisfy the Debt, with Costs; and the Marshal is first to give Notice to the Defendant in Writing, by the Space of Seven Days at least, either in Person, or by leaving the same at his last Place of Abode, of the Time when he intends to make the Levy as last mentioned; which when the Marshal or his Deputy has levied on, he is to dispose of in such Manner and Form as herein after directed and appointed; and for want of such Lands and Tenements, or Hereditaments, Cattle, Mules, Horses and Slaves, annexed to the Freehold, then the Marshal shall levy the same on the Rent Charges, or Annuities of the Defendant by leaving a Copy of the Execution with the Person or Persons liable to pay the same, his, her, or their Attornies or Agents, with an Indorsement thereon under his Hand, importing the Levy and Day it was made, which shall likewise be indorsed on the original Execution, or annexed in Writing to it, if there should not be Room to indorse it upon such Execution; after which the same Annuity, or Rent Charge, shall become payable to the Plaintiff or Plaintiffs, his, her, or their Heirs, Executors, Administrators, or Assigns; and shall be liable, in the Hands of the Purchaser, from the Time of Entry of the Action, as Lands are hereby made liable against Purchasers to the Sum which shall be due by the Judgement which shall be obtained thereon.

XLIII. AND whereas some Persons may contract Debts, and may fraudulently run off the Island without paying Debts due from them, and yet leave Attornies to receive Debts due to themselves: And whereas some other Persons, after Actions brought, or Declarations filed against them, may proceed to receive Debts due to themselves, and to waste the same, whereby Creditors, after going through the Expence of obtaining Judgement at Law, can find nothing to satisfy the same, which Debts cannot be charged or levied on in the Hands of such Debtors by the Laws now in Force, so that such Practices are Frauds on Creditors; to prevent which, be it, and it is hereby enacted by the Authority aforesaid, That all Debts due to any Defendant, absent or present, shall be charged in such Debtor's Hands, by Notice in Writing, and an Affidavit made of the Debt due to the Plaintiff or Plaintiffs, according to the best of the Plaintiff's Knowledge and Belief, before any Justice of the said Court of Common Pleas, which Affidavit shall be filed in the Secretary's Office of this Island; and such Attachment shall be served by leaving such Notice in Writing, and a Copy of such Affidavit, with the Person on whom such Attachment is made, or at his, her, or their last usual Place of Abode, or on his, her, or their Attorney (in case of such Debtor's Absence from this Island), or at the last usual Place of Abode of such Attorney, at any Time after such Action brought,

or



or Declaration filed as aforesaid, or after Judgement is obtained, shall be levied on by Executions issued as aforesaid; and where the Levy shall be on such Debts, it shall be in the same Manner as a Levy on Rents or Annuities, save only that a Copy of the Execution and the Indorsement shall be left with the Debtor, or at his Abode; and if such Debtor make Payment to the Defendant or Defendants after such last mentioned Notice, or levy the Plaintiff's Debt or Judgement not satisfied, he shall be liable to the same as far as he was Debtor, and made such wrong Payment or Payments. Provido. That no Debt due to any Executor or Administrator in Right of his Testator or Intestate, shall be liable to be attached by virtue of this Act.

XLIV. AND that it may be known whether and how far the Person or Persons served with such Notice, or levied on as aforesaid, was or were Debtor or Debtors to the Defendant or Defendants, and also to prevent such Debtor or Debtors from making any Payment or Payments to such Defendant or Defendants, or his, her, or their Assignee or Assignees, after such Notice served or Execution levied, be it, and it is hereby enacted by the Authority aforesaid, That after Judgement obtained in the original Action, such Debtor or Debtors shall attend before any One of the Judges of the said Court, to answer such Interrogatories upon Oath as shall be exhibited by the Plaintiff or Plaintiffs, touching the Debt due to such Defendant or Defendants, at the Time of such Notice served or Execution levied; which Interrogatories shall be signed with the Name of the Plaintiff or Plaintiffs, or his, her, or their Counsel, and served on such Debtor or Debtors, with a Copy of a Summons signed by such Judge, appointing the Time and Place for such Debtor or Debtors attending to answer such Interrogatories, Four Days before the Day appointed for such Attendance; and such Service shall be by delivering such Interrogatories and a Copy of such Summons to the Debtor or Debtors, or leaving the same at his, her, or their respective usual Place of Abode; and in settling the Debt due between such Debtor or Debtors and such Defendant or Defendants, mutual Credit shall be allowed between them, and only the Balance in such Debtor's Hands to be liable to pay such Plaintiff or Plaintiffs; and the said Judge who shall sign such Summons and attend thereon, shall have and take for his Fees for such Summons and Attendance One Pound Ten Shillings and Four Pence, Current Money, and no more, which shall be taxed in Costs. Debtors to be interrogated before any One of the Judges, and in what Manner.

XLV. AND upon due Service, proved upon Oath before such Judge, and no Attendance of the Debtor or Debtors accordingly, such Debtor or Debtors shall be committed to close Custody in the Common Gaol of this Island, without Bail or Mainprize, by Warrant under the Hand and Seal of any such Judge, directed to the Marshal, or his Deputy, there to remain until he, she, or they conform, and be examined, or confess that there is sufficient owing by him, her, or them, to pay the Plaintiff's Judgement; or if not sufficient, shall declare upon Oath what he, she, or they, actually and *bona fide* did owe, at the Time of the Notice served, or Execution levied as aforesaid: And such Notice or Levy shall be to the Debtor or Debtors a sufficient Bar to the Creditor or Creditors, suing for their Debt, as long as the said Action is depending, or as long as levied on, to pay the Plaintiff or Plaintiffs in the Execution or Executions. Judge's Fees.

XLVI. AND when any Thing is confessed or awarded due in any such Debtor's Hands, the same shall be paid to the Plaintiff, towards his said Demands, within Eighty Days after found or confessed due to the Defendant; and in case it be not paid, an Execution, reciting the Sub-  
T stance

Debtor not attending, to be imprisoned without Bail, &c.

Debts confessed, to be paid to the Plaintiff within 80 Days.

In case of Nonpayment, Execution to issue.



stance of the former Execution and Levy, shall and may issue against such Debtor or Debtors, his, her, and their Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Rent-Charges and Annuities, (but not against the Debtor's Debts) and against his Body in Default thereof, and to be proceeded upon as against Defendant or Defendants in other Cases of Debt, Costs or Damage.

Debtors or Defendant aggrieved, giving Notice, may bring Action.

XLVII. PROVIDED always, If such Debtor or Debtors to such Defendant or Defendants, shall think himself, herself, or themselves, any way aggrieved by the Determination of such Judge, and is or are willing to contest and try the Matter by a Jury at Law, and shall, within Six Days after such Determination, give Notice thereof, in Writing, to the Plaintiff or Plaintiffs in the Original Action, or his, her, or their Counsel, it shall and may be lawful for the Plaintiff or Plaintiffs in the Original Action, his, her, or their Executors or Administrators, to bring any Action or Actions, and finally to proceed thereon, in the Name or Names of such Defendant or Defendants to the Original Action, his, her, or their Executors or Administrators, against such Debtor or Debtors, his, her, or their Heirs, Executors, or Administrators, for the Debt or Demand so due, or supposed to be due, to such Defendant or Defendants; and in such Case no Execution shall be awarded against such Debtor or Debtors by the Judge before whom such Matter shall have been enquired into, nor any further Proceedings had therein before such Judge; any Thing in this present Act contained to the contrary thereof in any wise notwithstanding.

In what Manner Defendant to assist Plaintiff in Recovery of his Debts, &c.

XLVIII. AND whereas such Defendant or Defendants may elude the Intention of this Act, if they are not compelled to assist the Plaintiff or Plaintiffs in the Original Action with proper Means to proceed at Law in the Action or Actions to be brought against such Debtor or Debtors, be it therefore enacted by the Authority aforesaid, That such Defendant or Defendants shall attend the Judge, before whom such Debtor or Debtors is or are summoned, at the same Time and Place appointed for such Debtor's Attendance, upon being served with a Copy of the Notice, hereby directed to be served on such Debtor or Debtors, Four Days before the Day appointed for such Attendance; and such Defendant or Defendants shall, at the Time of such Attendance, deliver up to such Judge the Specialty, Note in Writing, Bill of Exchange, Order in Writing, or other Writing, whereby such Debtor or Debtors is or are indebted to such Defendant or Defendants; and the said Judge shall lodge the same, with all convenient Speed, in the Secretary's Office of this Island, in order that the Plaintiff or Plaintiffs in the Original Action may have Access thereto: And in case the Debt or Demand, due from such Debtor or Debtors, be only a Book Debt or running Account, or other simple Contract, then the Defendant or Defendants in the Original Action shall, at the Time of his, her, or their Attendance upon such Judge, not only answer Interrogatories upon Oath touching such Debt, but also deliver to him an Account in Writing of the particular *Items* due from such Debtor or Debtors to such Defendant or Defendants, with the Christian and Surname or Names of Witnesses or Witnesses who can prove such Book Debt, Account, or other simple Contract, if there be any such Witness or Witnesses; which Account such Judge shall, upon Request to him made, deliver to the Plaintiff or Plaintiffs in the Original Action, his, her, or their Executors or Administrators, or either of them, or to his, her, or their Counsel, so as to enable him, her, or them, to proceed in proper Actions, or other Suits, for the Recovery of such Debts or Demands; and if in such Action or Actions to be brought, a Verdict shall be given for the



the Defendant or Defendants thereto, the Plaintiff or Plaintiffs in the Original Action, his Executors or Administrators, shall pay such Defendant or Defendants his, her, or their Costs, to be taxed.

XLIX. AND in case of wilful and corrupt Perjury of such Debtor or Debtors, he, she, or they shall and may be prosecuted by Indictment or Presentment, and be punished as in Cases of wilful Perjury at Common Law : All which Examinations and Depositions, with the Interrogatories, shall be returned immediately after taking thereof, under the Hand of the Judge taking the same, into the Secretary's Office of this Island, to be filed with the other Papers in the same Cause, and there to be and remain of Record, and be and esteemed and adjudged a Record, and full Evidence in Law, in case of Prosecution for Perjury.

L. AND be it enacted by the Authority aforesaid, That the Provost Marshal, or his lawful Deputy, shall make such Return as the Case shall require, on each Execution directed to him as aforesaid, by Indorsement thereon, and sign the same with his Name, and shall lodge the same within Three Days, at furthest, after the Day the same was made returnable in the Secretary's Office of this Island, under the Penalty of One hundred Pounds Current Money of the said Island, to the Use of the Plaintiff or Plaintiffs in the said Execution ; to be recovered by the Party aggrieved, his, her, or their Executors or Administrators, with treble Costs, in any Court of Record in this Island, by any Action of Debt or Case, Bill, Complaint or Information, to be brought within Two Years next after such Neglect, wherein no Essoign, Protection, or Wager of Law, shall be allowed. Provided nevertheless, That the Plaintiff or Plaintiffs, in the said Execution, shall or may take his, her, or their Remedy against the Marshal, or the Security or Securities of such Marshal, or his Deputy, if he, she, or they shall make such Election, for any further or other Damage, which he, she, or they may have sustained by reason of such Neglect of the Marshal, or his Deputy ; any Thing herein contained to the contrary notwithstanding : And the Secretary, or his Deputy, is hereby required immediately to file the said Execution and Return with the other Proceedings in the said Cause, and give an attested Copy thereof, on Request, to the Plaintiff or Plaintiffs in said Executions, under the same Penalty herein before inflicted on the Marshal, or his Deputy, for their Neglect, to be recovered within the same Time, and in like Manner, and to the same Uses as herein before-mentioned ; and the Secretary, or his Deputy, for filing the same, shall receive and take the Sum of Three Shillings Current Money, and the like Fee for each attested Copy of such Execution and Return, and no more ; the same to be charged to the Plaintiff or Plaintiffs in each Execution, and to be allowed such Plaintiff or Plaintiffs in Costs.

LI. AND whereas Executions are returnable at the End of Sixty Days, and in case of *nulla bona* or *non est inventus*, the Marshal is by this Act obliged to deliver the same into the Secretary's Office, yet be it, and it is enacted by the Authority aforesaid, That if it shall hereafter happen that the Body or Goods of the Defendant may be found, the Secretary, or his lawful Deputy, upon Application of the Plaintiff, or his Counsel, at any Time within Five Years after such Execution issued, shall issue an *alias* Execution, reciting the former Execution and Return, and suggesting that Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Annuities, Rent Charges, or Debts of the Defendant, or the Body of the Defendant, is now to be found, and commanding the Provost Marshal, or his Deputy, to levy the same, in the Manner directed for levying Original Executions out of the said Court of Common Pleas ;

and

Perjury punishable.

Marshal to return Executions, under Penalty of 100 l. to the Use of the Plaintiff, who may also prosecute Marshal for further Damages.

Secretary to file Executions and Returns, and grant Copies, under the like Penalty.

Marshal to levy, if Defendant's Body or Goods to be found, after *nulla bona* or *non est inventus*.



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Executions against Executors or Administrators.

and the Marshal shall and may proceed to levy such *alias* Execution, in the same Manner as an Original Execution.

LII. AND be it also enacted by the Authority aforesaid, That where Executions are against Executors or Administrators, upon Judgement of the Goods of any Testator or Intestate, the Writ of Execution shall specify it, and be altered accordingly, and made as conformable as may be to the Laws and Practice in *England*; and in Cases of Wastes by them committed, or false Pleas, subjecting them to be charged of their proper Estates, there shall and may be proper Executions formed, to be levied on their proper Goods and Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges, Annuities and Debts, to be sold and disposed of as in common Cases against other Persons, and against the Body, as the Case shall require: The Forms and Proceedings upon such Executions, and the Returns of Waste, to be agreeable, as near as may be, to the Laws and Practice of *Great Britain*.

Executions against Heirs.

LIII. AND be it enacted, That in case of Judgement against Heirs of particular Assets, or against Heirs and Devisees, Executions shall be formed as near as may be to the Practice of *Great Britain*.

Executions bind from the Delivery, &amp;c. of Defendants to Marshal.

LIV. AND be it also enacted by the Authority aforesaid, That all Executions, before-mentioned or herein-after mentioned, and directed against Defendants, or against Sureties on Executions, or against Purchasers on Executions, shall bind the Property of the Goods, Chattels, and Slaves of the Defendants, from the Time the same are respectively delivered to the Marshal, and not before, and the Marshal is hereby required to minute down, on the Back of the Execution, the Day of the Month, and Hour and Minute of the Day, as near as may be, and the Year he receives each Execution respectively; and on Tender of One Shilling and Sixpence Current Money of *Tobago*, as a Fee for a Receipt, shall give the Party delivering it a Receipt, immediately upon Request, under his Hand, for each Execution, mentioning the Parties, the Sum, the Year, Day of the Month, Hour and Minute of receiving it, under the Forfeiture of One hundred Pounds Current Money of *Tobago*, for Refusal or Neglect; Half to the Use of the Party aggrieved, and Half to the Use of His Majesty, His Heirs and Successors, to be paid into the Treasury of this Island for the publick Uses thereof; to be recovered by Action of Debt, brought at any Time within Two Years after such Refusal or Neglect, in any Court of Record in *Tobago*, by the Party aggrieved, his Executors or Administrators, in which Treble Costs shall be also recovered.

Marshal to minute Receipts of Executions, and give a Receipt.

100 l. Penalty on Marshal for Refusal or Neglect.

Marshal to levy Executions in Course, and to keep a separate Book of Executions, with Two Alphabets.

LV. AND be it also enacted by the Authority aforesaid, That Executions shall be levied by the Marshal, in the Course they shall come to his Hands, under Penalty of answering Damages to the Party aggrieved, by Action on the Case, in any Court of Record in this Island, with full Costs: And the Marshal is hereby required to keep a separate Book of Executions, with the Folios regularly figured and numbered, wherein shall be entered the Names of all Plaintiffs and Defendants in every Execution, and the Day of the Month and Year each Execution was received; with Two Alphabets in the same Book, One beginning with the Defendant's Surname, and referring to the Folio of the Book, and the other beginning with the Plaintiff's Surname, and referring to the Folio of the Book, upon Pain of being informed against, and fined for his Neglect therein One hundred Pounds Current Money of *Tobago* for each Neglect; and also to give an Account in Writing, within Forty-eight Hours after Request, to any Person requiring the same, of all Executions come to his Hands, for or against any particular Person or Persons, *viz.* of Parties Names, of what Sum, and when received, under

100 l. Penalty in case of Neglect.

Marshal to give a written Account of Executions against any Person within 48 Hours after, under the like Penalty.



under the like Penalty of One hundred Pounds Current Money of *Tobago* for each Refusal or Neglect; to be recovered, with Costs, by Action of Debt, brought within Two Years next after such Refusal or Neglect, in the same Manner, and to the same Uses, as in Cases of neglecting or refusing a Receipt required on delivering an Execution; and the Marshal, or his Deputy respectively, shall be intitled to receive Eighteen Pence Current Money of *Tobago*, and no more, for every such Account of Executions, upon Delivery thereof; and Nine Pence, like Money, for entering each Execution in the Book, and no more.

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LVI. AND be it enacted by the Authority aforesaid, That from and immediately after the Time of this Act directed for Payment of Purchase Money, or immediately on Payment of any Sum on Account of, or in Discharge of any Execution, the Plaintiff or Plaintiffs in such Execution shall and may apply to any One of the Justices of the Court of Common Pleas for a Summons, to be directed to the Provost Marshal or his Deputy, or any of his Servants, or any other material Witness or Witnesses, who shall be compelled to attend on such Summons, under the same Penalties and Process as herein before directed for the Attendance of Witness or Witnesses in Court, requiring him or them to appear before such Justice, on a certain Day, Hour and Place, therein to be specified, then and there to answer, upon Oath, all such Interrogatories as shall be exhibited to either of them, touching the Receipt or Payment of such Purchase Money, or any other Money in Discharge of, or on Account of any Execution; and if upon such Examination upon Oath, it shall appear that such Purchase or other Monies, or any Part thereof, hath been paid to or received by the Marshal, or his Deputy, or any of his Clerks or Servants, or any Person or Persons by his or their Order and Directions, to receive the same in Discharge of or on Account of such Execution, or that the said Provost Marshal, or his Deputy, hath neglected to receive the same, and that he or they shall not pay such Monies received, or so neglected to be received, by him or them, in Six Days after such Examination and Order of the said Justice thereon, then and in such Case, such Justice is hereby authorised and required to issue an Execution, directed to the Coroner of this Island, against the Marshal or his Deputy, and his or their Goods and Chattels, Lands, Slaves, Tenements, Hereditaments, Rent Charges, Annuities and Debts, for such Sum as shall appear upon such Examination to have been received, or neglected to be received, as aforesaid, by him or them, with Twenty *per Centum* on the same; which Goods and Chattels, Slaves, Lands, Tenements and Hereditaments, or so much thereof as shall be sufficient to pay the several Sums in such last-mentioned Executions specified, shall be sold immediately, at any Time of the Year, in the Town of *Scarborough*, for ready Gold and Silver Money, to be paid down at the Time of such Sale into the Hands of the Plaintiff or Plaintiffs in such last-mentioned Execution, or his, her, or their lawful Attorney or Attornies; and for want of sufficient Goods and Chattels, Lands, Slaves, Tenements and Hereditaments, then the Body of the Marshal, or his Deputy, shall be taken and held in Execution, until Payment of all and every the Sums in such Execution mentioned to be paid and satisfied; and the Justice who shall attend on such Examination, or issue such Execution, shall have for his Fee the Sum of One Pound Ten Shillings and Four Pence Current Money, which, with Costs for Counsel's Attendance on such Examination, shall be also taxed in the Costs against the Marshal in such Execution; and the said Coroner shall have and take all such Fees of Levy and Sale as the said Provost Marshal is intitled to take on Executions: All which

Marshal compellable to account for Monies received, or neglected to be received, on Executions.

Proceedings against him on such Occasions.



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Proviso.

Marshal appearing to  
have done his Duty, to  
be allowed Costs, &c.

Preamble.

No Counsel or Attorney  
to confess Judgement be-  
fore Declaration filed, and  
Once called in Court.

Where Judgement for  
Penalty, Plaintiff to swear  
what is really due, or  
lose his Preference.

Proceedings shall be entered at large under the Entry of the Original Cause in the Secretary's Books for entering Actions. Provided nevertheless, That the Plaintiff or Plaintiffs, in such Original Execution, shall or may take his or their Remedy against the Surety or Sureties of such Marshal, or his Deputy, if he, she, or they shall so make their Election, any Thing herein contained to the contrary notwithstanding. And the Coroner, upon the Sale of the Marshal's Goods and Chattels, Slaves, Lands, Tenements and Hereditaments, taken on such Execution, is hereby authorised to make, seal, execute, acknowledge, and suffer every lawful Act and Deed, to the Purchaser or Purchasers, as the Marshal is herein before or herein after authorised to do, on the Sale of Goods and Chattels, Slaves, Lands, Tenements and Hereditaments, taken in Execution and sold by him.

LVII. AND be it enacted by the Authority aforesaid, That if the Marshal, upon the Examination before-mentioned, shall appear to have done his Duty upon such Execution, then and in such Case the Justice is hereby authorised and empowered to tax reasonable Costs to the Marshal, and to issue Execution therefor against such Plaintiff or Plaintiffs, his, her, or their Goods and Chattels, Slaves, Lands, Tenements and Hereditaments, which shall be sold by the Marshal in Manner herein before directed for Sale of his Goods and Chattels, Slaves, Lands, Tenements and Hereditaments; and for want of sufficient Goods and Chattels, Slaves, Lands, Tenements, and Hereditaments, then to take his, her, or their Body or Bodies in Execution, which shall be imprisoned until such Execution shall be paid and satisfied.

LVIII. AND whereas a Practice hath of late prevailed of executing Bonds, with Warrants of Attorney, empowering Persons to confess Judgements for the Obligors, on Declarations to be filed upon such Bonds: And whereas some Persons have, by such Practice, for a while quieted their Creditors, averted more open Proceedings against them, concealed the real State of their Circumstances, and been enabled to obtain and keep up a Credit, to the great Injury of the fair Trader; for Remedy whereof in future, be it enacted by the Authority aforesaid, That it shall not be lawful for any Counsel or Attorney, in the said Island of *Tobago*, to confess any Judgement on the Part of any Defendant, by virtue of any Warrant of Attorney executed for that Purpose, before the Declaration on which such Judgement is to be confessed was filed against such Defendant, nor before such Declaration hath been Once called in open Court.

LIX. AND whereas it frequently happens that Executions are issued against Defendants upon Judgements obtained against them for the Penalty of Bonds, Bills Penal, and other Penalties, when, in Fact, much less is due from such Defendants than such Penalties; and the Provost Marshal of this Island, or his lawful Deputy, is at a loss to know what is due on such Executions, by reason whereof subsequent Creditors are often kept out of their Money by the Provost Marshal, or his Deputy, retaining in his Hands the Amount of such Penalties, and such Execution Creditors, if not properly restrained, may receive more than what is *bona fide* due to them upon such Executions, not only to the Detriment of subsequent Execution Creditors, but of such Defendants; to prevent therefore the Delay and Injustice that may happen upon these Occasions, be it, and it is hereby enacted by the Authority aforesaid, That such Plaintiff or Plaintiffs, who have obtained or shall obtain any Judgement for any Penalty, and shall take out Execution thereon, and shall lodge such Execution with the Provost Marshal or his Deputy, such Plaintiff or Plaintiffs shall therewith deliver to the Provost Marshal,

or



or his Deputy, an Account of what is *bona fide* due to him, her, or them, upon such Execution sworn to by such Plaintiff or Plaintiffs, or One of them, by Affidavit in Writing, before any One of the Justices of the said Court of Common Pleas, if such Plaintiff or Plaintiffs shall be present on this Island, or some other Person or Persons in case of the Death or Absence of such Plaintiff or Plaintiffs; and if such Account be sworn unto by any other Person or Persons except the Plaintiff or Plaintiffs, or where the Plaintiff or Plaintiffs is or are Executor or Executors, Administrator or Administrators, or where such Plaintiff or Plaintiffs cannot, from the Nature of the Transaction, know of his own Knowledge what is due upon such Execution, then such Affidavit to be according to the best of the Knowledge and Belief of such Deponent or Deponents, or such Execution Creditor or Creditors shall not be intitled to the Benefit of compelling the Provost Marshal, or his Deputy, to pay him, her, or them, the Money due upon such Executions, by virtue of such Summons and other Proceedings before any Justice of this Court, as herein before directed in case of the Provost Marshal, or his Deputy, refusing or neglecting to pay Monies received by him by virtue of Executions: And if such Execution Creditor shall not make Affidavit, and lodge his Account in the Manner herein before directed, then the next Execution Creditor shall have a Preference to such Execution Creditor, so neglecting or refusing to make Affidavit and lodge his Account.

LX. AND the Marshal or his Deputy is hereby respectively required, on Demand, to give a Receipt in Writing to any Purchasers on Executions, and any Defendant, or his Attorney, paying any Thing towards the Discharge of any Execution, for the Particulars received, and for what, without any Fee or Reward, under the Penalty of Fifty Pounds Current Money of *Tobago*, and Treble Costs, recoverable and to be sued for in the like Time and Manner, and to the same Uses as in the Case of neglecting or refusing to give a Receipt for an Execution.

LXI. AND be it further enacted and ordained by the Authority aforesaid, That all Goods and Chattels, and all Slaves not annexed to a Freehold, which shall be taken in Execution, and not herein before or after otherwise provided for or excepted, shall be sold by publick Outcry, in the Manner and Form herein after prescribed, if not redeemed in the Manner herein after laid down; out of the Produce whereof, all Executions in the Marshal's Hands shall be satisfied in the same Course as they came to the Hands of the Marshal, which is strictly to be observed.

LXII. AND be it further enacted by the Authority aforesaid, That Notice of the Time and Place of all Sales by Outcry, of Goods, Chattels, or Slaves not annexed to a Freehold, shall be given to the Defendant, or his Attorney, if any Attorney in *Tobago*, by the Marshal, or his Deputy, in Writing, at least Ten Days before the said Sale, and Publication thereof shall be made in the Gazette of this Island; and if no such Gazette shall be printed, then Publication thereof shall be made and set up in Writing in the Town of *Scarborough*, for the same Number of Days.

LXIII. AND for the better Support of Credit, be it enacted by the Authority aforesaid, That from and after the Date hereof, the Benefit of Trusts of Lands, Tenements, Hereditaments, and Slaves, within this Island, whether such Trusts be now created or in being, or shall hereafter be created and in being, shall be liable to Judgement and Executions, and be Assets in all Respects, and the Heir, or other Persons, be chargeable therefor, in the same Manner as such Lands, Tenements, Hereditaments, and Heirs and Persons are liable in *England*, by the Statute made

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Marshal to give Receipts for Money without Fee, under the Penalty of 50*l*. and Treble Costs.

All Goods, Chattels, Slaves, not annexed to the Freehold, to be sold at Outcry.

Executions to be satisfied in Course as they come to the Marshal's Hands.

Notice of Sale to be given to the Defendant, and Publication in the Gazette, 10 Days before the Sale.

Executions bind Trusts and Estates for another's Life.



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Sale of Lands and Tenements to be on the 40th Day after Levy.

Notice thereof to be given in the Gazette within 10 Days.

Freehold Land or Tenements, &c. if more than sufficient to pay, Defendant to chuse which Part to be sold.

Marshal to return Overplus of Sales within Six Days.

Lease to remain entire.

made in the Twenty-ninth Year of the Reign of our late Sovereign Lord Charles the Second, Chapter the Third, intituled, *An Act for Prevention of Frauds and Perjuries*, as the same is extant in the Statutes at Large, printed by the Printers of the Crown, with the following Alterations, (that is to say) "That the whole Trusts in all the Lands and Tenements, Hereditaments and Slaves, shall be sold, and Execution thereon be done, as herein after directed in Case of Lands, Tenements, Hereditaments, and Slaves respectively."

LXIV. AND be it further enacted, That all Lands and Tenements of Freehold, or for Years, levied on by virtue of this Act, with all Buildings, Mills, Stills, Coppers, Cattle, Mules, Horses, and Slaves, annexed to the Freehold, and Improvements thereon, shall be sold at publick Outcry, upon the Fortieth Day after such Levy, exclusive of the Day of Levy, by the Provost Marshal, or his lawful Deputy, to the best Bidder; and if such Fortieth Day shall happen to be Sunday, such Sale shall be on the Day following. Provided nevertheless, That if the Defendant pay all the Executions then in the Marshal's Hands against such Defendant, on or before said Fortieth Day, the Lands and Tenements shall be discharged thereof.

LXV. AND be it also enacted by the Authority aforesaid, That at furthest within Ten Days after levying on Lands or Tenements, the Marshal, or his Deputy, shall cause Notice to be given in the Weekly Gazette of this Island, if such Gazette shall be then printed, of the Particulars levied on, and the Place of Situation, and the Day of Sale; and if no such Gazette shall be printed, shall fix up Publication thereof, under One of their Hands, at the Gate of the Court-house in the Town of Scarborough.

LXVI. AND be it also enacted by the Authority aforesaid, That where the Freehold Lands or Tenements, Cattle, Mules, Horses, and Slaves, annexed to the Freehold of the Defendant levied on, are more than sufficient to pay off the Execution or Executions in the Marshal's Hands against him, the Defendant may, in such Case, chuse which Part of the said Lands or Tenements, Cattle, Mules, Horses, and Slaves annexed to the Freehold, he will have sold, and have the same appraised; which Appraisement, if delivered to the Provost Marshal, or his lawful Deputy, sworn to by the Appraiser before the Chief Justice, or One of the Puisne Judges of the Court of Common Pleas, within Ten Days after such Notice or Publication of Sale, as aforesaid, shall preclude the Marshal from selling any other than such Part of the same Lands or Tenements, Cattle, Mules, Horses, and Slaves, annexed to the Freehold, if the same shall prove sufficient to satisfy the Execution or Executions levied; but if the same shall not be sufficient, or the Defendant neglect to leave such Appraisement aforesaid with the Provost Marshal, or his lawful Deputy, within the Time aforesaid, then the Marshal, on the Day of such Sale, shall sell such Part thereof as shall be sufficient to pay the said Debt and Costs, or the Whole, if necessary, and pay back to the Defendant the Surplus of the Money arising from such Sale, after paying of the Execution or Executions levied, and all Costs thereon, within Six Days after his Receipt of the same Money; and if the Marshal shall neglect to pay such Surplus Money within the Time aforesaid, to the Defendant, or his or her Attorney, such Defendant, or his or her Attorney, shall have the same Remedy to obtain the same, as herein before given to the Plaintiff in an Execution where the Marshal neglects to pay him or her the Money in the Marshal's Hands, by virtue of any Sale by him made: And where the Defendant hath only a Lease for a Year in Lands alone, or in Lands or Slaves, Cattle



Cattle and Utensils, there shall be no Selling by Parcels or Parts, but the Defendant's whole Benefit, Term, Estate, Advantage, Improvement, and Interest in the Whole together, shall be sold, subject to the Covenants, Rents, Payments, Agreements, and Engagements in the Lease contained, to be done and paid and performed by the Lessee; and Publications and Sales to run accordingly, to the End the Lessor may not be injured.

LXVII. AND be it also further enacted by the Authority aforesaid, That in case the Purchaser shall not, within Forty Days after such Purchase by him or her, compleat the said Purchase, as herein before or after directed, the Benefit of such Bidding shall be lost to the Bidder or Purchaser, and an Execution shall be formed for that Purpose, reciting briefly the first Execution and Levy thereon, and the Bidding, and Failure of compleating the Purchase; and shall issue at the Instance of the Plaintiff or Defendant, or either of their Counsel, at any Time of the Year, returnable in Twenty Days after the Test, to levy Twenty *per Centum* on the Purchase-Money, and after that Rate with Costs of the new Execution thereon, to be taxed before the Chief Justice, or in case of his Sickness, Death, or Absence from the Island, the next Senior Justice of this Court, upon the Lands, Tenements, Hereditaments, Slaves, Goods, Chattels, Rent Charges, Annuities, and Debts of such Purchaser, or, in Default, to take his Body, and in the same Course as an Execution for Debt, Costs, and Damages against a Defendant; and the said Twenty *per Centum* shall go and be applied, first, to pay the Costs on the new Execution, and then to pay the Costs of the former Executions, and then to the Discharge of the Debts due on such Executions in due Course of Law, and if any Surplus, the same shall be paid to the Defendant; and the Defendant's Lands or Tenements, Cattle, Mules, Horses, and Slaves annexed to the Freehold, shall be again set up to Sale, Ten Days Notice being first given in the next Weekly Gazette that shall be printed after such Forfeiture, if such Gazette be then printed, and if no Weekly Gazette shall be printed, Publication shall be made as herein before directed. And the Marshal is hereby directed, within Ten Days after the Expiration of the Fortieth Day after the Sale of any Real Estate (except when the Bidding at such Sale shall exceed Five hundred Pounds, and such Security be given as herein after mentioned), and within Ten Days after the Expiration of the Fourteenth Day after Sale by him made of any Personal Estate, to apply to the Plaintiff, or his Counsel, or any other Counsel, to make out such Execution against the Person or Persons who shall neglect to pay down the Purchase Money by him, her, or them bid, within the Time herein before required; and if the Marshal shall neglect to make such Application, he shall forfeit the Sum of One hundred Pounds of Current Money of the said Island, with Treble Costs, on each Neglect, recoverable and to be sued for in the like Manner and to the same Uses as in the Case of neglecting or refusing a Receipt for an Execution.

LXVIII. AND be it also enacted by the Authority aforesaid, That immediately before the Secretary shall part with the new Execution, there shall be made by the Secretary, or his Deputy, an Entry among and with other Entries in the Action on which the first Execution issued, that on such a Day and Year an Execution went against A. B. (naming his Name) for Twenty *per Centum* on the Purchase Money, with the Costs, (specifying the Particulars) as a Purchaser of the Defendant's Lands and Tenements, Cattle, Mules, Horses, and Slaves annexed to the Freehold, taken in Execution, and not compleating his

X

Purchase;

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Purchasers not completing their Purchase within 40 Days, Bidding void;

and Execution to go against him for 20 *per Centum*, and Costs;

how to be levied and applied,

Overplus, if any, to be paid to the Defendant.

Marshal neglecting to apply for Execution, on Purchasers failing Payment, to forfeit 100 *l.* and Treble Costs.

Secretary's Duty on granting Execution for 20 *per Centum*.



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Purchase; and the Secretary shall, at the same Time, alphabet the Plaintiff's and Purchaser's Names, as if the Plaintiff had obtained a Judgement against the Purchasers; and any Person whatsoever who shall, after so issuing such Execution last mentioned, purchase any Lands, Tenements, Slaves, Hereditaments, Rent Charges, or Annuities, of such Persons so failing, against whom such last mentioned Execution issued, shall be liable to have what he shall so purchase levied on and sold by such new Execution, as though no Sale or Conveyance thereof was made to him.

Preamble.

Purchasers of Lands and Tenements, &c.

for above 500 £. on giving Security, allowed Eight Months after the 40 Days for making Payment.

Nature of such Security.

LXIX. AND whereas Experience hath shewn, that by allowing a Purchaser a longer Time for Payment of the Purchase Money than Forty Days, the Time herein-before limited for compleating his Purchase, the Lands, Tenements, Hereditaments, Cattle, Mules, Horses, and Slaves annexed to the Freehold levied on, have always sold for a much greater Value, whereby Creditors have been benefited by having larger Sums paid towards their Debts, and unfortunate Debtors have been thereby much eased; be it, and it is hereby enacted by the Authority aforesaid, That where any Person shall become the best Bidder for any Lands, Tenements, Hereditaments, Mules, Cattle, Horses, and other live Stock, and Slaves annexed to the Freehold of any Defendant under a Judgement and Execution at Law as aforesaid, and shall not be minded to pay down such Purchase Money, nor any Part thereof, within the said Forty Days before limited for Payment thereof, then, and in such Case, where the best Sum bid for any Lands, Tenements, and Hereditaments, Mules, Cattle, or other live Stock, and Slaves annexed to the Freehold so sold in Execution, shall exceed Five hundred Pounds Current Money of *Tobago*, and not otherwise, such Purchaser shall be allowed Eight Calendar Months more, next after such Forty Days expired, for Payment of the same Purchase Money, or such Part thereof as such Purchaser shall not pay within the same Forty Days, upon giving Security, within the same Forty Days, to pay the same at the End of such Eight Calendar Months, with Interest, in Manner as herein-after mentioned and directed.

LXX. AND be it further enacted by the Authority aforesaid, That the Security which shall be given for Payment of such last-mentioned Purchase Money, shall be by One or more Recognizance or Recognizances, to be entered into by the Purchaser, with Two or more sufficient Securities, who shall be Freeholders of sufficient Substance in this Island; and the Recognizance shall be several for the whole Money each Security becomes bound in, and be in double the Sum for which such Person becomes bound. Provided always, That the Number of such Sureties shall not exceed Six, and that no Purchaser shall be intitled to the Indulgence herein-before granted, unless such Purchaser shall give Security within the Time herein-after mentioned, for the whole Purchase Money unpaid at the Time of such Recognizance entered into, reserving always to such Purchaser a Power of giving Security for any Part of such Purchase Money, in such Proportions as he thinks proper, so that the Whole of the Purchase Money unpaid at the Time of such Security entered into, be well and sufficiently secured according to the true Intent and Meaning of this Act; and the same shall be made to the Provost Marshal, or his Deputy, by his Name and Title of Office of Provost Marshal of *Tobago*, and to his Successors in the same Office for the Time being as Provost Marshal or Deputy Provost Marshal; and such Recognizance in all other respects to be in common and proper Form, save only that the same shall be conditioned as herein-after mentioned, and shall be sealed and delivered by the Persons bound,



bound, in Presence of some Witness, and acknowledged before the Register of Deeds of this Island for the Time being, or his lawful Deputy, or else shall be sealed and delivered before, and attested by, such Register or Deputy, as a Witness; all to be done within the said Forty Days, or else the Benefit the Purchaser is to have of Eight Months Time, by giving such Security, shall be lost: And the Register, or his Deputy, is to set down, in Words at Length, the Day of the Month and Year of the Acknowledgment, or Sealing and Delivery, before him, and immediately to record the same at Length in his Office; and also, after so recording the Register, or his Deputy, shall, without Delay, send the Original, with his Attestation and Indorsement, and in what Book recorded, to the Provost Marshal or his Deputy, to be filed in his Office for the Use of the Creditors; and in case the Original shall be lost, a Copy, attested by the Register or his Deputy, shall be equal in all Respects to the Original; and the Condition of such Recognizance shall be in Substance as follows, viz. it shall recite, that—

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*WHEREAS on (such a Day and Year) the Lands and Tenements, Hereditaments, Mules, Cattle, or other live Stock, or Slaves annexed to the Freehold of C. D. (naming the Defendant's Name) were sold at Outcry, and were then bought by the said A. B. (naming the Purchaser's Name) for the Sum of Current Money of Tobago; which Lands and Tenements and Hereditaments, Mules, Cattle, or other live Stock, or Slaves annexed to the Freehold, were as follows; that is to say, All that Piece or Parcel of Land (mentioning the Quantities, and Butts and Bounds of the Lands, and where lying, and describing the Buildings and Improvements thereon, as near as may be, and all such, or so many Cattle, Mules, Horses, or Slaves annexed to the Freehold). Now the Condition of this Recognizance is such, That if the above bounden A. B. his Heirs, Executors, or Administrators, do well and truly pay, or cause to be paid, unto the said Provost Marshal, or his Deputy Provost Marshal of Tobago, or his Successors in the same Office, within Eight Calendar Months next ensuing the Date hereof, the Sum of Current Money of Tobago (mentioning the Sum for which such Surety becomes bound), and in such Manner as Law shall then require of Persons purchasing Lands and Tenements, Hereditaments, Cattle, Mules, Horses, or Slaves annexed to the Freehold of Defendants, sold in Execution in this Island, with Interest also from the Day of the Date hereof until actual Payment, such Interest to be at the Rate that shall then be settled by Law in Tobago; and if no Rate of Interest so settled by Law in Tobago, such Interest to be at the Rate of Eight per Centum per Annum; with a further Forfeiture also, at the Rate of Twenty per Centum in Gross, upon the last mentioned Sum, in case of Non-payment thereof the last mentioned Day; to be applied in due Course of Law for the Use of the Creditors of the said C. D. then the above Recognizance to be void, else to remain in full Force.*

LXXI. And be it enacted by the Authority aforesaid, That the Provost Marshal, or his lawful Deputy, for the Time being, shall be, and are respectively intitled and required to take such Recognizance or Recognizances, in the Name of himself and Successors as aforesaid; and such Provost Marshal, or his Deputy, to whom the said Recognizance or Recognizances shall be given, and his Successors in the said Office, shall be intitled to put in Force and execute each of such Recognizances, in Manner and Form as herein-after directed; and that each of the said Recognizances, from the Time of entering thereinto, shall have the

Duty of the Provost Marshal with regard to such Security.



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the Force and Effect of a Judgement entered into by each of the Parties severally who are therein bound, and against each of them and each of their Lands and Tenements, and such of the Slaves worked or employed thereon only, of which they or either of them, at the Time of entering into such Recognizance, or at any Time after, was or were seised; and of the same Effect also to such Parties, and such their Lands, Tenements and Slaves only, as though each of the same Parties were Purchasers of Lands and Tenements of the Defendant by Outcry in Execution, and had made Default of Payment of the Purchase Money, and also Default of giving sufficient Security by Recognizance for Payment of such Purchase Money as herein directed: And immediately before the Register, or his Deputy, shall take the said Recognizance, he shall, and is hereby required and impowered, if thereto required by the Plaintiff or Plaintiffs, to swear each of the Sureties severally to this Oath:

*I A. B. (the Deponent naming himself) do swear, That at this Time, according to the best of my Knowledge and Conscience, I am seised of Lands and Tenements, or Slaves, Inheritance in Fee Simple, in Tobago, of the full Value of the Sum of* (mentioning the Sum for which he is to become bound) *over and above all Incumbrances lying thereon.*

And the Register shall write on the Recognizance, *Justified on Oath*, and the Sureties shall each sign his Name under these Words, which shall be indorsed or written on the said Recognizance; and the Register shall write, *Sworn before me*, and sign it; and no Recognizance shall be allowed as any Security within this Act until this be done, if required as aforesaid: All which shall be entered of Record by the Register, before delivering the Recognizance to the Marshal.

Conveyance to Purchasers giving Security.

LXXII. AND be it also further enacted by the Authority aforesaid, That in Case of giving such Security by Recognizance or Recognizances, the Marshal, or his Deputy, shall convey the Defendant's Lands and Tenements, Hereditaments, Cattle, Mules, Horses, or Slaves annexed to the Freehold so levied on, and sold to and for the Use of such Purchaser, as herein-after directed; and in the Deed of Conveyance shall recite the Substance of the Execution or Executions for which such Lands and Tenements, and so forth, as before-mentioned, were sold, and of the Recognizance or Recognizances given for the Payment of the Purchase Money, and the Condition of the same, as far as to shew the Time of Payment, and Sum to be paid, pursuant to such Recognizance or Recognizances; and the same Conveyance to be with an express Clause, that the same Lands and Tenements, and so forth, as before-mentioned, are and shall be, and remain charged and chargeable with the said Monies, Interest, and the Penalty of Twenty *per Centum* on Nonpayment, and to be sold therefore as Law directs in case of Default; and the same Lands and Tenements, and so forth, as before-mentioned, shall be, and are hereby declared to stand charged accordingly, and be liable, in Case of Default, to be sold, as herein-after directed.

Marshal to execute forfeited Security, Recognizance, and in what Manner.

LXXIII. AND be it also enacted by the Authority aforesaid, That in case the Monies and Interest conditioned to be paid by such Recognizance or Recognizances shall not accordingly be paid, then, at any Time after the Day of Payment, upon Application of any Creditor by Execution, the Marshal shall proceed to execute such Recognizance or Recognizances as shall be then forfeited; and the Manner of executing the same shall be as follows; (to wit,) The Marshal, or his Deputy, then



then in Office, shall set up Publications, at any Time in the Year, without further Writ or Warrant for so doing, to sell, at the End of Ten Days, the proper Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Debts, Annuities, and Rent Charges of the said Purchaser; which Publication shall recite the Substance of the Recognizance and Condition, and Forfeiture, and the Sale may be at any Time in the Year; and if more Money be produced by the Sale thereof than sufficient to pay the Purchase Money and the Interest, and the Forfeiture of Twenty *per Centum*, the Overplus to belong to the first Purchaser; but in case it proves deficient to pay the same Monies and Interest, with the said Twenty *per Centum* Forfeiture, and all Fees of the Marshal for such new Levy, Publication and Sale, (which Fees are to be the same as on original Executions, and which shall be borne by such Purchaser and his Sureties) then and in such Case the Marshal shall levy all the said Monies so deficient upon the proper Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Debts, Annuities, and Rent Charges of the Sureties, or either of them, and shall and may sell the same to make good such Deficiency, all for ready Monies down, at Publick Outcry, to the best Bidder, so as there be Publication of such Sale to be made at the End of Twenty Days after such Levy, and the Publications are to be fixed up immediately, or as soon as conveniently may be: And if no such Estate or Effects of the Purchaser, or his Sureties, sufficient, then their or any of their Bodies may be taken by Force of the same Recognizance, as an Execution, and kept until all such Monies, Interest, Forfeiture, and Costs of Levy, Publication and Sale, be paid. Provided, if the Purchaser, or his Sureties, pay the same before the Time of the Publication expired respectively, then no such Sale shall be; but if any Purchaser, or his Sureties, shall die between the entering into such Recognizance, and before Levy made in Execution thereof, then before executing thereof against the Estate of the deceased, a *Scire facias* shall go thereon, as on a Judgement against the Heirs, Executors or Administrators, and Terre-Tenant of such Person dying, to shew Cause why such Recognizance should not be executed as Law directs, to which the same Pleas as are pleadable against a Judgement may be pleaded, or any sufficient Matter, save that as to Lands, Tenements, and Rent Charges, the Recognizance shall have Force upon the recording thereof as an Execution upon a Judgement that Day delivered into the Marshal's Hands is by this Law to have: And when Judgement shall be upon such *Scire facias*, and Judgement which shall be tested as herein-before directed for Executions, and under the Secretary's Hand, and shall be sufficient Warrant to sell in Executions in all Respects the Lands, Tenements, Slaves and Hereditaments, Rent Charges, Annuities, Goods and Chattels of the Defendant, or his Sureties, for ready Money, in the Manner, as near as may be, as is before directed, where the Defendant or his Sureties is or are living; but the Plaintiff shall not be delayed by the Purchaser's Death, but shall have his Election either to bring a *Scire facias* against the Heirs, Executors or Administrators, and Terre-Tenant of the Purchaser, or to proceed immediately against the Sureties, or either of them, in the same Manner as he might have done in case the Purchaser's Estate had proved deficient: And the Marshal, or his Deputy respectively, shall not accept of any Part Payment of the Purchase Money so secured, but must have the Whole paid, except where he is obliged to levy, and in such Case must levy it as soon as he can; and no Creditor shall be capable of receiving the same, or any Part thereof, unless the Marshal, after Payment to him, or his levying it, assigns and pays it to such Creditor:

Y

And

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Service of *Scire facias*.



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Marshall's Fees,

Justice and Secretary.

Purchase Money, Interest  
and Forfeitures, how to  
be paid to the Defen-  
dant's Creditors.

Slaves, Goods and Chat-  
tels, levied on, to be left  
with Defendant, on his  
Request; Oath and  
Bond, with Two Sure-  
ties, to produce the same  
at Sale, or pay the Debt,  
&c.

Condition of such Bond  
when 40th Day happens  
between 30th September  
and 1st of April.

And the Marshal, or his Deputy, shall not be intitled to any Fee or Reward for receiving or paying the said Monies, nor shall be paid Levy Fees for any Part thereof by a Creditor, save and except only he may deduct thereout his common Fees for Levies and Sales, before he pays it to the Creditor, in Proportion only and for so much as he shall pay over to such Creditor; and the Chief Justice and Secretary shall have the same Fees for the Copy of the said *Scire facias* and Judgement as respectively intitled to for an Execution.

LXXIV. AND be it, and it is further enacted by the Authority aforesaid, That the said Purchase Money, Interest, and Forfeiture (if any) of Twenty *per Centum*, shall be paid to and amongst the Defendant's Creditors, each in legal Course of Priority, *viz.* Each Creditor by Execution intitled in Course to be paid all or any Part of his Debt out of the Purchase Money and Interest, shall receive Twenty *per Centum* thereon, in Proportion to what he receives of his Debt; and those Creditors, not intitled to any Part of their Debts out of the Purchase Money, shall not be intitled to any Part of the Twenty *per Centum*; and if such Creditor's Contract or Debt bore no Interest, he shall be allowed Interest thereon for so long Time, and at such Rate only, as the said Purchaser paid Interest for his Purchase Money, as far as it will go in Course of Law: And in case there shall be any Surplus remaining from the said Purchase Money, and the said Forfeiture of Twenty *per Centum*, the same shall be paid over to the Defendant after all the Execution Creditors are fully paid their Principal, Interest, and Costs, with the Proportion aforesaid of such Forfeiture.

LXXV. AND whenever the Levy shall be on Slaves, or on any Goods and Chattels, the Marshal, or his Deputy, shall be obliged, upon Request of the Defendant, or, in his Absence from the Island, his Agent or Attorney, to deliver the same to the said Defendant, his Agent or Attorney; provided he or they do make the said Request, and make Oath, and give Bond in Twenty Days after the Levy, with Two sufficient Sureties, all to be bound jointly and severally, either in the Name of the Plaintiff or Plaintiffs, or in the Name of the said Marshal or his Deputy, to return the same at the End of Forty Days after the Day of levying, specifying the Day when first levied on, in order to be sold at publick Outcry, towards Satisfaction of the Plaintiff's Debt, or else to pay and satisfy the said Debt and Costs at the Expiration of the said Space of Forty Days, and the Specie of the Goods, and Names and Sexes of the Slaves so levied on shall be particularly specified, either in the Condition of the Bond, or indorsed on or annexed to it; and before such Surety shall be accepted, the Defendant, or his Agent or Attorney, if the Defendant be absent, if thereto required, by or on Behalf of the Plaintiff, shall make Oath that he will not remove from this Island, nor conceal, or willingly suffer to be removed or concealed, or any way alter the Property of any such Slaves, Goods or Chattels, but will re-deliver the same, pursuant to such Bond, as far as ever he shall be then able or have it in his Power, in order to be sold for the Plaintiff's Judgement: And the Securities, before they shall be accepted, shall each make Oath that he thinks, in his Conscience, he is worth the Value of the Things returned; which Oath shall be taken before a Judge of this Court, and lodged in the Secretary's Office of this Island, or else such Goods and Slaves shall be dealt with and sold, as though no Security was given at all for the same. Provided always, and it is further enacted by the Authority aforesaid, any Thing in this Act contained to the contrary thereof in any ways notwithstanding, That if such Fortieth Day shall happen to fall at any Time between the Thirtieth Day of *September* and the First Day



Day of *April*, that the said Bond, where there are Slaves levied on, shall be conditioned to return the same upon the Fortieth Day next after the First Day of *April* then next ensuing the Date of the same Bond, in order to be sold by publick Outcry for the Purposes last-mentioned; and in such Case the Plaintiff or Plaintiffs, where the Debt does not from the Nature of the Contract on which the Judgement was recovered carry Interest, shall be allowed Interest upon such Debt, at the Rate of Eight *per Centum per Annum*, from the Day of the Date of such Bond, until such Plaintiff or Plaintiffs be paid his, her, or their said Debt.

LXXVI. AND if the Condition of such Bond be not performed, then shall issue a New Execution, either against the Defendant or his Sureties, or any One or Two of them, jointly or severally, at the Plaintiff's Choice; which New Execution shall issue upon such Request, Entry on Record, and with and under such Circumstances as before directed in case of Execution against Purchasers of Lands and Tenements, and so forth, as herein before-mentioned, failing to pay their Purchase Money in Time, and shall recite concisely the Substance of the First Execution, the Levy, the Marshal's Return thereof, the Security Bond, both Date and Substance of the Contents: And the Marshal, or his Deputy, are hereby respectively impowered by such New Execution, to levy upon the Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges, Annuities, and Debts of the said Defendant, or his Sureties, for as much of the Penalty of the said Bond as will amount to the Value of such Execution, with Twenty *per Centum* thereon; and the same Goods, Chattels, Lands, Tenements, Hereditaments, Rent Charges, Annuities, Debts, and Slaves, immediately to sell and dispose of by Publick Outcry, in the Town of *Scarborough*, for ready Gold and Silver Money paid down in Hand, and the Produce whereof the said Marshal, or his Deputy, is to deliver to the Plaintiff, as far as necessary to satisfy his said Demand; and in case the said Marshal, or his Deputy, cannot find Goods and Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges, Annuities, and Debts of the Defendant, or his Sureties, sufficient to answer the said Execution, and Twenty *per Centum* thereon, with the Costs, he is to attach the Bodies of the Defendant and his Sureties, or any or either of them, and him or them safely to keep until the said Debt, with the aforesaid Twenty *per Centum*, shall be satisfied and paid, with the subsequent Costs of Levy: And such New Execution shall bind all the Lands, Tenements, Goods, Chattels, Slaves, Hereditaments, Rent Charges and Annuities of the Person or Persons liable to such New Execution, in the Hands of any Person or Persons purchasing the same, after issuing and minuting and alphabeting the same in the Secretary's Office; all which the Secretary, or his Deputy, are required thereon to do as before directed in case of Executions against Purchasers of Land making Default of Payment, and before delivering the same New Execution out of his Office.

LXXVII. AND be it also enacted by the Authority aforesaid, That in case the Marshal, or his Deputy, shall unduly make any Delivery of Slaves, Goods or Chattels, taken in Execution, without observing the Methods of proceeding and taking Bond as hereby directed, the Defendant shall not be liable to any Twenty *per Centum* in respect to those Goods, Chattels or Slaves; but it shall be deemed a direct Breach of the Condition of the Security Bond, given or to be given by such Marshal or his Deputy, and the same Bond shall thereon become forfeit: Or in case there be a Bond taken duly by such Marshal, or his Deputy, and he shall refuse to assign it, as herein-after directed, in Six Days after the

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Proceedings on Nonperformance of such Surety Bond.

Unduly delivering such Things levied on, or refusing to assign or deliver such Security Bond, is a Forfeiture of the Marshal's Security Bond,



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and 20 per Centum and  
Treble Costs.

Such Bonds assignable,  
liable by a New Execu-  
tion, defeasible and sub-  
ject to Order of Court.

To keep Slaves, Goods  
and Chattels, levied on,  
in Custody, at Defen-  
dant's Expence; and to  
make Publication of Sale  
in 10 Days, and give No-  
tice thereof to Defen-  
dant.

Provost Marshal making  
Levy and Sale upon  
Slaves, or any other  
Property mortgaged with  
any Plantation, to be  
void, unless sold with  
the mortgaged Premises.

the Demand, or if he shall refuse or neglect to deliver it in such Six Days, if taken in the Plaintiff's Name, to the Plaintiff, his Counsel or Attorney, requesting the same; that also shall be a direct Breach of the Condition of such Marshal's Security Bond, and the same Bond thereon be forfeited, and suable as the Law directs, for the Benefit of the Party; or in either of the said Cases the Marshal, or his Deputy, may be sued in Case or Action of Debt, as the Party injured please, but yet not to be any Discharge to the Defendant until the Plaintiff's Demand is satisfied: And the Marshal, his Deputy and Securities, shall answer Twenty *per Centum* to the Plaintiff, and his Debt and Damage with Treble Costs of Suit, for Default of taking such Bond duly, or for Default of so assigning or delivering of the same to the Plaintiff, his Counsel or Attorney, upon such Request; and if the Debt, with the Costs and Damages, partly or wholly, be levied on or paid by the Marshal, his Deputy or Securities, he or they may make use of the Plaintiff's Judgement and Execution to repay themselves so much as paid by or levied on him out of what is due, on the Plaintiff's Judgement and Execution, to the Plaintiff, and no further, but he shall not be intitled to levy any Twenty *per Centum* thereon.

LXXVIII. AND be it also enacted by the Authority aforesaid, That such Bonds taken on returning Slaves, Goods or Chattels, taken from a Defendant in Execution, if taken in the Marshal's Name, or his Deputy, shall be assignable to the Plaintiff or Plaintiffs; and all such last-mentioned Bonds shall be liable, by a New Execution, as the First Process, as before directed in the Names of the Plaintiffs, and be defeasible as before directed in case of Bail Bonds to the Marshal, or as near the same Manner as the Reason of the Case will permit, always taking Care that the Plaintiff or Plaintiffs be first satisfied, according to the true Meaning of the Condition of such Bonds; and if such last-mentioned Bonds be in the Marshal's Name, the New Execution is to mention it, with the Assignment of it, briefly; and all such Bonds shall be defeasible upon legal Satisfaction, and such Order shall be made thereon by the Court as shall be reasonable.

LXXIX. AND in case any Slaves, Goods or Chattels, shall be taken from a Defendant, and he shall neglect to make Application, and actually give Bonds to the Marshal, or his Deputy, within the Time herein before limited for having them delivered to him or them, the said Marshal, or his Deputy, is to keep them in his Custody and Possession, in the Common Gaol of this Island, at the Defendant's Expence, and forthwith to set up Publication for selling them at the Expiration of Ten Days, and to give Notice thereof to the Defendant in the Manner herein before expressed in this Act; and at the End and Expiration of the Time mentioned in the said Publication, to proceed to make Sale of them by publick Outcry, in the Method directed and appointed by this Act.

LXXX. AND whereas Slaves, mortgaged with Plantations, Lands and Tenements, may be levied on and sold, to the great Detriment as well of the Persons who have advanced Money in *England* upon such Security, as to the Planters, the Cultivation of whose Lands depends upon the Possession of that Species of Property; for preventing therefore so great an Evil, be it, and it is hereby enacted by the Authority aforesaid, That for and notwithstanding any Thing before in this Act contained, it shall not be lawful for the Provost Marshal, or his Deputy, to levy upon any Slave or Slaves, or any other Property, mortgaged with any Plantation, Piece or Parcel of Land, separately and apart from such Plantation, Piece or Parcel of Land; and every such Levy,



Levy, and every Sale of any mortgaged Slave or Slaves, or any other Property as aforesaid, in consequence of any such Levy, shall be absolutely void to all Intents and Purposes: But such mortgaged Slave or Slaves, or other Property as aforesaid, shall and may be levied on and sold together with the Plantation, Piece or Parcel of Land, with which the same is or are mortgaged, subject to such Mortgage.

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LXXXI. AND be it further enacted by the Authority aforesaid, That where any mortgaged Slave or Slaves, or other Property as aforesaid, together with the Plantation, Piece or Parcel of Land, with which the same is or are mortgaged, shall be levied on, the same shall be advertised and sold in the same Manner, and under the same Regulations and Restrictions, and upon the same Conditions as is herein-before provided for the Sale of Lands, Tenements, and Hereditaments only. And where the Purchase Money bid for such mortgaged Slave or Slaves, or other Property mortgaged as aforesaid, Plantation, Piece or Parcel of Land, shall exceed Five hundred Pounds, Current Money of *Tobago*, the same Regulations shall prevail, and the same Time be allowed for the Payment of such Purchase Money, and the same Recognizance be required, and the like Forfeitures be paid in every Respect as is herein-before particularly provided in relation to the Sale of Lands, Tenements, and Hereditaments, where the Bidding exceed the Sum of Five hundred Pounds.

Mortgaged Slaves, and other Property, with the Plantation so mortgaged and levied on, shall be advertised and sold in like Manner as provided for Sale of Lands.

LXXXII. AND be it also enacted by the Authority aforesaid, That where any Plaintiff or Plaintiffs shall have obtained any Verdicts at Law, and shall be stayed from entering up his, her, or their Judgement thereon, or where Judgement shall have been entered up, and Execution thereon stayed, or where Execution hath been taken out or levied, and the Marshal shall be stayed from proceeding to Sale thereon by virtue of any Order or Injunction of the Court of Chancery, it shall and may be lawful to and for such Plaintiff or Plaintiffs to enter up his, her, or their Judgements on such Verdict, notwithstanding such Order or Injunction, and immediately after the Dissolution of such Order or Injunction, to take out Execution upon such Judgement; and the Provost Marshal, or his Deputy, immediately after such Execution shall be delivered to him, or if the Execution had been delivered to him the Provost Marshal or his Deputy, and the Levy thereof stayed as aforesaid, shall immediately levy on the Goods and Chattels, Lands, Tenements, Slaves, Hereditaments, Rent Charges, Annuities, and Debts of the Defendant or Defendants, or if Execution had been levied, and Publication put up, or not put up and so stayed as aforesaid, that then, and in all such Cases, the Provost Marshal, or his lawful Deputy, shall set up Publication for Sale of what shall be levied on before or after such Order or Injunction, in such Place as directed in the common and ordinary Course of Proceedings on Executions and Sales; and that the Sale thereof, in all and every the said Cases, shall be made on the Twentieth Day from the Day of fixing up such Publication, inclusive of the Day of Publication and Sale, unless such Twentieth Day shall happen to be *Sunday*, then on the Twenty-first Day; any Thing herein-before or hereinafter contained to the contrary notwithstanding.

How to proceed in Cases of Injunction.

LXXXIII. AND be it further enacted and ordained by the Authority aforesaid, That whenever any Slaves not annexed to a Freehold, Goods or Chattels, are to be sold at Outcry, the Marshal, or his Deputy, shall set the same up in Parcels, and Slaves shall be set up and sold in the Town of *Scarborough* only, One by One, save where there is or are a Child or Children under the Age of Twelve Years, which shall be set up with the Mother, if there be a Mother, to be sold; and that all

Slaves, Goods, and Chattels, how to be sold.



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At what Time of the Day.

Sale of Lands and Tenements.

Purchaser allowed 14 Days for Payment.

Slaves, &amp;c. to remain in the Marshal's Custody, at the Purchaser's Expence and Risque, till paid.

Purchasers of Slaves, Goods, and Chattels, not paying in the limited Time, liable to Execution.

Further Levy in case of Death or perishing.

Marshal liable for Things levied on lost by Neglect.

Defendant shewing a Stranger's Goods or Slaves to be levied on, to forfeit Double the Value.

How to be recovered.

such Sales by publick Outcry shall begin by Ten o' Clock in the Forenoon; and if the same shall not be concluded at One o' Clock in the Afternoon of the same Day, the same shall be adjourned till Three o' Clock in the Afternoon of the same Day; and all such Sales shall continue, while there is any Thing to be sold, until Sun-set; and that no fresh Lot whatsoever shall be set up after Sun-set, at which Time the Provost Marshal shall adjourn the same to the next Day, *Sunday* excepted, and so on from Day to Day, until the Whole shall be concluded. Provided always, That no Slaves sold in Execution shall be struck down in less than an Hour after the same have been first set up, and that the Sale of Lands or Tenements shall be finished at the Setting of the Sun, and not before, and each Purchaser shall have Fourteen Days after the Sale for making his Payment; and that the said Goods and Chattels or Slaves do remain in the Custody of the Marshal or his Deputy, at the Charge of the Purchaser, and at the Purchaser's Risque in case of Death, until he, she, or they, do make Payment.

LXXXIV. AND if such Purchaser doth exceed the said Time, without Consent of the Plaintiff, the Marshal, or his Deputy, by new Execution, to be issued on Affidavit, and Entry and Recital as proper, and with such Circumstances as before directed in case of Purchaser's failing to pay for Lands and Tenements, and not otherways, shall levy the Sum contracted for, with Twenty *per Centum* more in Proportion, with Costs of the new Execution, on the Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Annuities, Rent Charges, and Debts of the said Buyers, and them forthwith to sell and dispose of, by publick Outcry, for ready Money, and pay the same over to the Plaintiff; and for want of such Goods, Chattels, Slaves, Lands, or Tenements, to attach the Body of such Purchaser, and him safely to keep until he shall pay the same, and satisfy the said Marshal, or his Deputy, for his Trouble, either in attaching the Body of such Purchaser, or otherwise levying the same Execution; and such new Execution shall bind Purchasers in all Respects as before provided in case of Purchasers of Lands making Default of Payment, and shall be in the like Manner minuted and alphabeted by the Secretary or his Deputy.

LXXXV. AND if any Goods, Chattels, or Slaves, taken from a Defendant, or from a Purchaser as aforesaid, either of Lands, Tenements, Hereditaments, Slaves, Goods, or Chattels, die or perish before Sale, the Marshal, or his Deputy, may make a further Levy; and if the Loss of the said Goods, Chattels, or Slaves, hath been occasioned by Abuse or Neglect of the Marshal, or his Deputy, the said Marshal or his Deputy, shall be responsible for the same to the Owner or Proprietor thereof; and such Slaves, Goods, or Chattels, so further levied on, shall be sold without further Notice at the Time and Place as those dying or perishing were to be sold, if Time permits after such Death or perishing, or else on that Day Seven-night, if it can be done, or as soon after as conveniently may be done at the same Place; Publication thereof to be made as before directed.

LXXXVI. AND in case any Defendant, or Buyer, as aforesaid, shall shew any Goods, Chattels, or Slaves, belonging to any Person at that Time, to the Marshal, to be levied on by him, and that thereby such Goods, Chattels, or Slaves, shall be recovered or lawfully taken from the Person or Persons purchasing the same, his Heirs, Executors, or Administrators, such Defendant shall forfeit Double the Value of the said Goods, Chattels, and Slaves, to the Party aggrieved, his Executors or Administrators; to be recovered in any Court of Record in this Island,



Island, by any Action of Debt, or Case, Bill, Complaint, or Information; wherein no Essoin, Protection, or Wager of the Law, shall be allowed.

LXXXVII. AND be it enacted by the Authority aforesaid, That Goods, Chattels, and Slaves, shall be sold in Ten Days after Levy, if not returned to the Defendant on Security Bond, and if on Security Bond, then on the Fortieth Day after Levy; in both which last Cases, the Day of Levy is to be excluded in the Number of Days, and the Day of Publication of all Sales of Lands, Tenements, Slaves, Goods, or Chattels, shall be deemed Part of the Days allowed for Sale after Execution.

LXXXVIII. AND be it also enacted by the Authority aforesaid, That Conveyances of Lands, Tenements, Hereditaments, and Slaves, sold in Execution, shall be made by the Provost Marshal, or his lawful Deputy, of this Island, at the Costs of the Purchasers thereof, and shall be good for such Estate, Trust, Equity of Redemption, and Interest therein, to such Purchaser or Purchasers, their Heirs, Executors, Administrators, and Assigns, as the Party from whom they were taken by Executions could have made or granted or was intitled to, and no longer, or otherways; so always as the Conveyances passing any such Lands, Tenements, Slaves, or Hereditaments, be acknowledged before the Register of this Island, or his Deputy, for the Time being, and duly recorded in the Register's Office as usual, and the Laws of this Island require; and the Marshal and his Deputy shall and are hereby required and empowered to put all Purchasers of Lands and Slaves in quiet Possession, if required; and the Marshal or his Deputy's Sales or Certificate only, not sealed, shall be good for other Goods and Chattels to the Purchasers, as far as the Person or Persons from whom they were taken had Title.

LXXXIX. AND be it further enacted by the Authority aforesaid, That all Deeds of Sale which shall be executed by the Marshal or his Deputy, by virtue of this Act, if executed and acknowledged before the Register of Deeds of this Island, whilst the Tenant in Tail lives, shall be, to all Intents and Purposes, as effectual to bar Intails, Reversions, and Remainders, of the Lands, Tenements, Hereditaments, Rent Charges, and Slaves, with the Appurtenances, Issues, and Increase, as Fines and Recoveries levied and suffered by Tenants in Tail in the Court of Common Pleas at *Westminster* are.

XC. AND be it, and it is also enacted by the Authority aforesaid, That the Party or Parties at whose Suit, or to whom any Person shall stand charged in Execution for any Debt or Damage recovered, his or their Executors or Administrators, may, after the Death of the Person so charged, and dying in Execution, or during the Life of the Party so in Execution, lawfully sue forth and have new Executions against the Goods, Chattels, Slaves, Lands, Tenements, Hereditaments, Rent Charges, Annuities, and Debts, of the Person so deceased, or being in Execution, in such Manner and Form, to all Intents and Purposes, as he, they, or any of them might have had by the Laws of this Island, if such Person so deceased, or being in Execution, had never been taken in Execution; and upon Satisfaction, by any Execution levied on such Slaves, Lands, Tenements, Hereditaments, Rent Charges, Annuities, and Debts, the Party living, and being in Execution, shall be enlarged against that Execution only so satisfied, upon an *Audita querela*, paying the Marshal and Gaoler's Fees.

XCI. AND be it further enacted and ordained by the Authority aforesaid, That no Execution shall issue upon any Judgement which has lain dormant for the Space of One Year and Day, unless a *Scire facias* shall issue

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Sale of Goods, Chattels, and Slaves, to be the 40th Day, unless delivered on Security, and then the 40th Day.

Marshal to make Conveyances of Lands, Tenements, and Slaves, sold by Execution;

and deliver quiet Possession.

Marshal's Sales, or Certificates only, not sealed, to be good for Goods and Chattels.

The Effect of the Marshal's Conveyances as to Title, and as to barring Intails, Reversions and Remainders.

New Executions for Plaintiff or Executors against Defendant's Estate, before or after his Death.

*Audita querela.*

Executions not to issue on dormant Judgements till *Scire facias*, except in Cases of Injunction, Error, &c.



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Plaintiff neglecting to  
prosecute, or disconti-  
nuing, or becoming  
Nonfuit, without Agree-  
ment, to pay Costs.

No Action to be abated  
by *non venue* of the  
Judges.

Dead Goods levied on  
to be inventoried by the  
Marshal.

If embezzled or injured,

a Contempt of Court,  
and how punished,

Ejectment may be  
brought for Lands and  
Slaves together, but not  
for Slaves alone.

issue thereon; except where the Plaintiff has been held under Injunction in Chancery, or Order of the Court of Chancery, or by Writ of Error, and it shall appear by Affidavit, in Writing, filed in the Secretary's Office, in case of such Injunction, that the Plaintiff was so held under Injunction.

XCII. AND be it enacted by the Authority aforesaid, That in case any Plaintiff shall neglect or refuse to prosecute his Suit according to the Rules and Methods of the Court where the same is depending, as aforesaid, or become Nonfuit, or discontinue his Suit, he shall pay Costs, to be taxed; for which an Attachment shall issue, and the Plaintiff to be brought in and close committed, until he pay such Costs, or the Court order otherways; or the Defendant may take Execution for the same, to be proceeded upon as other Executions for Debt, Costs, or Damage.

XCIII. AND be it enacted by the Authority aforesaid, That no Action, Suit, or Process, shall be abated, or discontinued, or put without Day, by the *non venue* of the Justices, or some One Justice of this Court, occasioned either by Alarms, or otherways; but the Judge or Judges may, at any Time or Times, as there shall be Occasion, meet again, and continue the same to any Day, and enter such Continuance as though it had been of the Day on which they first should have met pursuant to this Act or last Adjournment.

XCIV. AND forasmuch as dead Goods cannot be immediately removed when levied on, be it also enacted by the Authority aforesaid, That if any dead Goods or Chattels whatsoever shall be levied on and taken in Execution, the same shall be immediately inventoried by the Marshal or his Deputy, and shall be deemed to be in Custody of Law, although the Marshal do not keep actual Possession thereof; and if the same be not removed or sent off immediately, and such Goods and Chattels shall happen to be embezzled, destroyed, injured or made away with, before the same can be carried or sent conveniently from the Place in which they were levied on, the same is hereby declared a great Contempt of the said Court; and the Person who shall so embezzle, destroy, injure, or make away with the same Goods and Chattels, or shall be aiding, assisting, or advising thereto, or shall be suspected so to have done, (Oath being made before some One of the Judges of the Court of such Embezzlement, destroying, injuring, or making away with, and the Affidavit filed in the Secretary's Office) shall be brought in by Attachment, and examined upon Interrogatories touching such Contempt; and being proved guilty, or confessing the same, shall be fined for such Contempt, and committed until he pays the same, with Costs of the Contempt, and until he or they pay into Court the Value of the Goods and Chattels so embezzled, destroyed, injured, and made away with, the Value to be settled by the Court without a Jury, on due Examination, and to be paid for the Use of the Plaintiff; and also shall suffer further, if the Court think proper, any Imprisonment, without Bail or Mainprize, for any Time not exceeding Thirty Days, in the Common Gaol.

XCV. AND as concerning Lands and Slaves, and the Manner of suing for them together, be it, and it is hereby enacted by the Authority aforesaid, That Action of Ejectment shall and may be commenced, and brought to Trial, in feigned Names and Writs of Possession, executed at any Time in the Year, and all Proceedings thereon to be as near as may be to the Practice of *Great Britain*; and where any Person hath the same Title both to Lands and Slaves, against any other Person in Possession of both the Lands and Slaves, the Slaves must be inserted, sued for and recovered, in the Ejectment, with the Lands, such



Slaves being real Estate by the Laws of this Island ; but Slaves not to be recovered or sued for alone in Ejectment, any Thing herein contained to the contrary notwithstanding. And if divers are Defendants in Ejectment, and claim separate Parts or Numbers of the Lands, Tenements or Slaves sued for, each shall give in Writing, under the Defendant's or Counsel's Hand, the Particular he claims or defends for, to be entered upon Record ; and then a Declaration against each separate Defendant shall be made for the distinct Lands he defends, and his Name to be inserted as Defendant under such Defendant ; to plead, and go to Issue and Trial severally, as near as may be to the Practice in *England* in Ejectment there : And in case (as it often happens) there shall be any Disputes concerning the Bounds of Lands, which cannot be determined well without a View, the Court in Ejectment, or any other Action requiring a View, may order a View by Six or more of the Jury impannelled at that Court where the Dispute arises, or of any other Jury, who are to go upon the Lands in Question, or any Lands contiguous, with One or more sworn Surveyors of this Island, to view and admeasure the Lands in Question, and any other Lands necessary to be viewed and admeasured, to determine the Difference ; which Jurors, or at least Six of them, shall be on the Trial of the Cause : And such View shall be at the Charge of the Party requiring it ; and all Persons concerned may attend such View, with their recorded Papers.

XCVI. AND be it also further enacted by the Authority aforesaid, That in Actions on Bonds and Bills Penal for Payment of less Sums of Money, that the Defendant may plead Payment thereto generally, according to the Condition, setting forth the Condition by the Plea to remain on Record, and need not plead it precisely at or before the Day ; and thereupon the Jury shall enquire what is due, and if the same be all paid, shall find for the Defendant ; and if any Thing due, to enquire what is due distinctly for Principal and Interest : And in such Case Judgement shall go for the Plaintiff for the Penalty to remain cautionary for the Payment of the whole Sum that shall be then due for Principal and Interest, with Interest as aforesaid upon the whole Principal Sum then due from the Day of the Verdict until Payment, unless a less or other Interest be stipulated in the Condition or Bill, in which Case the Interest to be accordingly. And where Judgements are on Bonds by Confession, the Party may agree what is due to the Day the Judgement entered, and may enter the Judgement for the Penalty to remain cautionary for securing the same, with Interest ; and if such Agreement and Judgement by Confession, or the Judgement go by Default, then the Sum payable, and the Days of Payment, shall be specified in the Judgement, and the Judgement to remain cautionary for the same, with Interest as aforesaid from the Time of Payment : But if Judgement by Default or Confession be general, yet if the Execution issued generally for the Penalty, and do not specify what is due, the Defendant, on Motion or *Audita querela* in Court Time, may have the Sum due settled by Order of Court ; and no more than that Sum, Interest and Costs, to be levied for : And in such Judgements for Penalties, where the Judgement or Execution does not specify the true Sum due, the Plaintiff shall cause it to be indorsed on the Execution ; or in Default thereof, if more than due levied, the Levy Fees for the Surplus shall be paid out of the Plaintiff's Pocket ; and on such Motion, or *Audita querela*, Restitution of what is levied for more than due shall be awarded, or a Judge out of Court Time may enquire of it in his Chamber, and may by Order stay the Surplus in the Marshal's Hands until Court shall meet and further order, and a Summons shall go to require

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Against divers Defendants.

To be sued severally on their declaring what Part they claim.

Disputes on such Cases, how to be determined.

Proceedings on Bonds and Bills Penal.



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Action shall not abate by  
Death of Parties be-  
tween Interlocutory and  
Final Judgement.

Executors or Administra-  
tors may have a *Scire fa-  
cias*, in case of Death be-  
tween Interlocutory and  
Final Judgement.

When Two or more  
Plaintiffs or Defendants,  
and One or more of them  
shall die, the Action shall  
not be abated.

Payment after Judge-  
ment pleadable to *Scire  
facias*, or Debt on Judge-  
ment.

Marshal answerable for  
Escapes, and as Gaol  
Keeper.

Quakers Affirmation to  
be taken as an Oath.

require the Plaintiff's Attendance on the Judge; and if no Attendance on a Second Summons, the Judge may proceed without further Summons. Provided always, That in case there shall be no such Indorsement made upon Execution, as is hereby directed, and the Provost Marshal, or his Deputy, shall levy for such Penalty, yet the said Provost Marshal, or his Deputy, shall not receive nor take from such Defendant or Defendants more levy Fees than what shall be actually due for Principal, Interests, and Costs on such Execution, under the Penalty of Treble the Sum by him received, over and above such Fees to be paid to such Defendant or Defendants, which may be recovered before any One of the Judges of the Court of Common Pleas in this Island, as herein before directed touching the Forfeiture of the Provost Marshal or his Deputy for Nonpayment of Monies received by him on Executions, or for neglecting to receive the same after the same shall become due, any Law, Custom, or Usage to the contrary notwithstanding.

XCVII. AND be it also enacted by the Authority aforesaid, That if any Plaintiff happen to die after an Interlocutory Judgement, and before a Final Judgement had therein, the said Action shall not abate by reason thereof, if such Action might be originally prosecuted or maintained by the Executors or Administrators of such Plaintiff; and if the Defendant die after such Interlocutory Judgement, and before the Final Judgement therein obtained, the said Action shall not abate, if such Action might be originally prosecuted or maintained against the Executors or Administrators of such Defendant: And the Plaintiff, after such Interlocutory Judgement, (or if he be dead) his Executors or Administrators shall and may have a *Scire facias* against the Defendant, if living after such Interlocutory Judgement; or if he died after, then against his Executors or Administrators, to shew Cause why Damage in such Action should not be assessed and recovered by him or them: And if such Defendant, his Executors or Administrators, shall appear at the Return of such Writ, as before directed in case of the *Scire facias*, and not shew or alledge any Matter sufficient to arrest the final Judgement, or make Default, the Damages shall be enquired of as herein-before directed on Judgement by Default, in Cases where Damages only are recoverable, and Judgement Final therein be given for the Plaintiff, his Executors or Administrators, prosecuting such Writ or Writs of *Scire facias* against the Defendant, his Executors or Administrators respectively.

XCVIII. AND be it further enacted by the Authority aforesaid, That if there be Two or more Plaintiffs or Defendants, and One or more of them shall die, if the Cause of Action shall survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Writ or Action shall not be thereby abated; but such Death being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs against the surviving Defendant or Defendants.

XCIX. AND be it further enacted by the Authority aforesaid, That Payment after Judgement shall and may be pleadable to a *Scire facias*, or Debt on a Judgement; and the Jury shall enquire and settle what is due, if the Defendant plead such Plea.

C. AND be it enacted by the Authority aforesaid, That the Marshal shall be answerable, as Gaol Keeper, for all Escapes of Criminals and others out of Gaol, and be deemed the Gaol Keeper of this Island.

CI. AND be it further enacted, That in all Civil Causes the Solemn Affirmation of Quakers shall be taken and admitted instead of an Oath.



CII. AND be it further enacted by the Authority aforesaid, That as to Judgements hereafter to be obtained in the Common Pleas of this Island, the Secretary shall keep a Book, separate from all other Books, to be called a Docket Book of Judgements, which shall be kept alphabetically, and with a double Alphabet, after the Manner following (*viz.*) A. naming the Defendant's Surname first, then his Christian Name; and the other Alphabet to begin with the Plaintiff's Surname, then his Christian Name, and then the Defendant's Surname and Christian Name after it, and an express Reference to the Folio of the Book the Judgement is in, that all Persons may know how to search for Judgements: And if the Secretary or his Deputy fail to keep such Book, he shall be finable by this or any Court of Record in this Island for a Contempt; and so for every Calendar Month he shall fail to keep such Docket Book, he may be fined anew.

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Secretary to keep Docket Book of Judgements, with double Alphabet.

CIII. AND be it enacted by the Authority aforesaid, That all Notes, called Promissory Notes, heretofore given or hereafter to be given, payable to any Person, shall and may be recovered and sued for, with full Effect, though no Consideration expressed in them for Value received or otherwise; or if expressed for Value received, and if made payable to Drawee or Order, then shall be assignable, indorsable, and negotiable, and suable by, for, or against Drawer or Drawee, or Indorser or Indorsee, as if they were Inland Bills, drawn according to the Custom of Merchants: And after Demand and Refusal to pay, lawful Interest shall be allowed by a Jury against the Drawer or Indorser, neglecting or refusing to pay the same, from the Time of the Demand, and may be declared on, as near as Reason permits to the Manner of declaring on Promissory Notes in *England*; but Actions thereon shall be within the Act or Acts of this Island, made or to be made for limiting Actions on *Assumpsit*.

Promissory Notes suable, negotiable, &c.

Interest, after Demand and Refusal to pay.

CIV. AND be it further enacted by the Authority aforesaid, That if any Person shall presume to plead or practise the Law in this Island, or give Advice in any Law Affair whatsoever, for Fees, Present, or Reward, until he hath, with the Approbation of the Court of Common Pleas, qualified himself in the said Court, by taking the following Oath, and also the Oath required by Act of Parliament by Persons in Office or Places of Trust, he shall forfeit the Sum of One hundred Pounds, Current Money of this Island, for each Offence; One Half to the Use of His Majesty, His Heirs and Successors, towards defraying the publick Charges of this Island, and the other Half to such Person as shall inform and sue for the same; to be recovered by Action of Debt, Information, Bill, Complaint, or otherways, in the said Court of Common Pleas in this Island; which Oath shall be in the Words following, *viz.*

Qualifications of Counsel,

100 l. Penalty on Counsel not qualified.

**Y**OU shall swear, That well and truly you will serve the King's People, and all others who shall legally retain you, according to the best of your Knowledge and Learning in the Laws of England, and the Laws of this Island; and you shall truly counsel and advise them that shall retain you according to the best of your Skill; and you shall not defer, protract, or delay their Causes, any Way to their Hurt or Disadvantage, for the Sake of making Profit or Gain thereby, nor for Hope nor Promise of Reward from any other Person.

Form of Oath to be taken by Counsel.

So help you God.

A Certificate of the taking of which Oath must be filed in the Secretary's Office before any Person shall be reckoned or esteemed qualified.  
Provided



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Proviso, Parties allowed  
in a Cause at Issue to  
plead, &c.

Power of Attorney to be  
proved and recorded be-  
fore any Process issues for  
a Plaintiff off the Island,  
and the Attorney liable  
to Costs.

Judges may establish  
Rules of Practice in all  
Cases not herein pro-  
vided for.

No Levy or Sale between  
the last Day of September  
and the First Day of April,  
except in Cases of In-  
junctions, Executors,  
Slaves recovered in Spe-  
cie, or Rent Charges,  
Annuities, or taking the  
Body for Deficiency of  
Estate.

Persons in Great Britain,  
&c. lending Money on  
the Personal Security,  
and paying Factorage for

Provided always, That when any Cause is at Issue and ready for Trial, either Plaintiff or Defendant, if he chuses it, shall be allowed to tell his Case, and to plead and manage his Cause in the best Manner he can; any Thing herein to the contrary notwithstanding.

CV. AND for the better Prevention of litigious Suits, and for the securing of Costs where any Plaintiff or Plaintiffs is or are of this Island, and that such Suit may not be proceeded upon in the Name of such Person or Persons without his, her, or their Authority, be it enacted by the Authority aforesaid, That no Process whatever shall issue in the Name of such Person or Persons who shall be off the Island, unless there be a Power of Attorney duly proved and recorded as the Law requires from such Person or Persons, and the Attorney or Attornies named in such Power, or One of them, be actually on this Island; and such Attorney or Attornies, or any One of them, shall, by Order of the Court, be subject and liable to all the Costs and Charges of the Suit, in such Manner as the Plaintiff or Plaintiffs might or would be was or were such Plaintiff or Plaintiffs personally present: Nothing herein-before contained to extend, or in anywise be construed to extend, to prevent the Person or Persons who shall be so illegally arrested, to pursue and have such Action at Law against the Person or Persons who shall take out such Process, as hath been heretofore given by any Law now in Force in *England*; any Thing herein-before contained to the contrary notwithstanding.

CVI. AND whereas it is impossible to provide specially for every Case that may happen, and to set down the Form and Manner of Process in all Actions, or to determine all Points of Practice in the Body of this Act, be it therefore, and it is hereby enacted by the Authority aforesaid, That in Cases not herein or hereby sufficiently provided for, it shall be in the Power of the Justices of the Court of Common Pleas hereby established, or the Majority of them, to make and establish General Rules for guiding the Practice of said Courts, and to approve or direct the Forms of Process issuing out of the said Courts, as near and as agreeable as may be to the Court of Common Pleas in *England* respectively; and the Secretary shall keep a separate Book, wherein shall be entered at large all such General Rules, and shall always have the same Book in Court.

CVII. AND be it enacted by the Authority aforesaid, That no Execution out of this Court, or any Writs of Execution, or any Decree in Chancery for the Payment of Money, shall be levied between the last Day of September and the First Day of April in any Year; and that no Slaves, Goods, or Chattels levied on, shall be sold between the last Day of September and the First Day of April in any Year hereafter; any Law, Usage, or Custom to the contrary in anywise notwithstanding; except as herein-before provided, in Cases of Levy and Sales being stayed by Order or Injunction from the Court of Chancery, and except where herein-before or after provided, that Executors and Administrators may be levied on at any Time of the Year, and except where the Execution is for to take Slaves in Specie, where recovered in Specie by Judgement or Decree, and except where levied on Rent Charges or Annuities, and except that where there is not sufficient Estate or Effects of the Defendant, the Body may be taken at any Time, unless legally protected by virtue of a Rule of Court or Law, and except as herein-after provided; in all which excepted Cases, Execution may be executed at any Time of the Year.

CVIII. AND whereas Merchants or other Persons in *Great Britain, Ireland, and North America*, may sometimes lend and advance Money to



to Persons in Trade, and other Inhabitants in this Island, on the personal Securities of the Borrowers; and whereas such Merchants or other Persons being absent, are frequently obliged to empower Persons residing here to recover such Debts, to whom they may be obliged to pay a Commission for Factorage, which Commission it is highly reasonable should be borne by the Debtor; be it therefore enacted by the Authority aforesaid, That in all Cases where any Action is brought by or in the Name of any absent Person or Persons, to recover Money actually lent and advanced on Personal Security only, such Person or Persons shall be allowed a Commission, at and after the Rate of Two Pounds and Ten Shillings *per Centum*, on the Sum actually due from the Defendant or Defendants, upon Proof that such Person or Persons is or are actually to pay Commission to his, her, or their Factor.

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the receiving thereof, are  
allowed Two and a Half  
*per Centum* Commission.

CIX. AND be it further enacted by the Authority aforesaid, That where there are mutual Debts between any Plaintiff or Plaintiffs, and Defendant or Defendants, if either Party sue or be sued as Executor or Administrator, where there are mutual Debts between the Testator or Intestate and either Party, One Debt may be set against the other, and such Matter may be given in Evidence upon the General Issue, or pleaded in Bar, as the Nature of the Case shall require, so as where any such Debt of the Plaintiff, his Testator or Intestate, is intended to be insisted on in Evidence, Notice shall be given in Writing to the Plaintiff or Plaintiffs, or his, her, or their Counsel or Attorney, Six Days before the Trial of the Cause, (inclusive of the Day of serving such Notice) of the particular Sum of Debt so intended to be insisted on, and upon what Account it became due, or otherwise such Matter shall not be allowed in Evidence upon the General Issue: And to prevent all future Disputes that may arise touching the Matter so given in Discount, the Person or Persons, so giving such Notice of the Discount as aforesaid, shall immediately, after the Jury shall have given their Verdict, make out an Account of all such Matters as shall be allowed by the Jury upon such Discount; which Account shall be annexed to the Proceedings in the Cause where such Discount shall be given, and filed and left in the Secretary's Office of this Island, and there recorded at Length among the Proceedings in the said Cause.

Mutual Debts may be set  
off, and Notice thereof  
in the Account.

CX. AND as touching a Court of Error, for Civil Matters, for determining between Subject and Subject, be it, and it is hereby enacted by the Authority aforesaid, That Writs of Error shall lie from Judgements of the Court of Common Pleas hereby established, and from Judgements heretofore obtained in any Court of Common Pleas or Exchequer of this Island for such Sum, and before the Commander in Chief of the Southern *Caribbee* Islands, and such Number of His Majesty's Council as His Majesty's Royal Instructions do or shall direct; but if there be no Instructions from His Majesty, his Heirs and Successors, directing or limiting a Sum, or the Number of Counsellors to constitute such Court, a Writ of Error shall lie for any Sum, and in such Case the Commander in Chief of these Islands, and Five Counsellors, shall be necessary to constitute a Court of Errors. Provided nevertheless, in order to prevent Delays, That if the Commander in Chief of the Southern *Caribbee* Islands shall not be in *Tobago*, all Errors may be heard and determined in his Absence by the Person bearing Chief Command in *Tobago* in such Absence, and such Number of His Majesty's Council as aforesaid: And provided also, if such Commander in Chief of the Southern *Caribbee* Islands, or other Person in Chief Command in his Absence, shall be a Party, the Matter may be determined by Five of the Council, or the Majority of them; and where any of the Council

Court of Error, its jurisdiction and Judges.

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shall



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Writ of Error.

Test and Return.

Writ of Error *Superfedeas* Execution, it filed in 30 Days after Judgment, and Security given.

Error to be assigned in 8 Days after Return, unless further Time given by Court, otherwise Execution may issue.

Error quashed, if Transcript not made before the Return; and Transcript to be certified by Chief Judge.

Writ of Error amendable.

shall be Parties, any Three of the Council shall be a sufficient Number of Counsellors to make a Court; and the said Court of Errors, hereby established, shall be, and is hereby declared, to all Intents and Purposes, a Court of Record; and also, that no particular Commission shall be necessary for holding the said Court, or appointing Justices thereof, but the Justices thereof shall be, and are hereby authorised and enabled to act in all Things aforesaid, by virtue of this Act, without further Writ, Commission, or Authority.

CXI. AND for regulating the Proceedings in such Courts of Error, be it, and it is hereby enacted by the Authority aforesaid, That all Writs of Error, hereafter to be sued in this Island, shall be returnable before the Court of Errors for this Island of *Tobago*, or before the Commander in Chief of the Southern *Caribbee* Islands and Council of *Tobago*; and there shall be but Thirty-five Days, and not less than Twenty-five Days, between the Test and Return of such Writs of Error, inclusive of the Days of Test and Return.

CXII. AND be it also enacted by the Authority aforesaid, That all Writs of Errors to be brought shall be immediately lodged in the Secretary's Office of this Island, after being sealed, and shall be deemed no *Superfedeas* to any Execution until the same are so lodged there; and any Writ of Error under Seal, lodged within Thirty Days after Judgment in the Secretary's Office of this Island, shall be a *Superfedeas* to Execution, if Security be duly given thereon, where Security is required by this Act, although such Executions be begun to be executed.

CXIII. AND be it also enacted by the Authority aforesaid, That immediately upon lodging such Writ of Error in the Secretary's Office, the Secretary for the Time being, without further Directions, shall make out a Transcript of the Record, at the Charge of the Party or Parties suing such Writ of Error, and the Plaintiff or Plaintiffs in Error shall assign Error under his Hand, or the Hands of his Counsel, in the Secretary's Office, before the Expiration of Eight Days after the Return of such Writ of Error, whether a Transcript be made of the Record or not, unless further Time be given by the Court of Errors; and if no such Errors assigned within that Day, or further Time given by the Court of Errors for assigning Errors, Execution may be taken out for the Default, because the Records being all lodged in the Secretary's Office, they may be there always seen, and Error thereon, as well assignable as though they were all transcribed.

CXIV. AND when the Record is transcribed, the same shall, on Request, immediately be certified by the Chief Judge of the Court, or if he be sick or absent, by the next Senior Justice, under his Hand, before or on the Day of the Return of the Writ of Error, and not after on that Writ; and in case the Record be not so transcribed by the Return of the Writ of Error, that Writ shall be quashed with Costs, and not be any *Superfedeas* to Execution in such Case, longer than the Return Day thereof; and the Secretary of this Island shall get such Record so certified, and the Assignment of Errors, and have the same ready at such Court of Errors as shall be appointed for hearing and determining of Errors: And there shall be no Discontinuance, Loss, or Abatement of any Writ of Error, by Reason of the Court of Errors not being held at any particular Day that shall or may be appointed to hear and determine Errors, but the same may be heard and determined at any Day after the Day first appointed.

CXV. AND be it also enacted by the Authority aforesaid, That all Writs of Error, wherein there shall be any Variance from the original Record, or other Defect, may and shall be amended and made agreeable to

to



to such Record by Rule or Order of such Court of Errors; and where Verdict has been or shall be given in any Action or Suit in the Court of Common Pleas hereby established, the Judgement thereupon shall not be stayed or reversed for any Defect or Defects, either in Form or Substance, in any Bill, Writ Original or Judicial, or for any Variance in such Writs from the Declaration or other Proceedings. Provided nevertheless, That nothing in this Clause contained shall extend, or be construed to extend, to any Appeal of Felony or Murder, or to any Process upon any Indictment, Presentment or Information, or for any Offence or Misdemeanor whatsoever.

CXVI. AND be it enacted by the Authority aforesaid, That before the Judges in Error shall proceed to hear or determine any Errors, or any Thing relating to Errors, the presiding Person, and each Member of the Court, shall, in open Court, take the following Oath, *viz.*

**I** A. B. (naming himself) *do swear, That in all Errors to be brought before me, I will not deny or delay Justice to either Party, but, to the best of my Skill and Knowledge thereupon, impartially give my Opinion and Judgement.* Oath of Judges.

Which Oath shall be administered by the Secretary, first to the Person presiding, and then to all the other Members of the Court; and so at every Sitting, unless before sworn in that Cause.

CXVII. AND to prevent Delays happening on Writs of Error, for want of speedily transcribing the Record, the Secretary for the Time being of this Island is immediately to make out the Transcript of the Record, upon the Writ of Error's being left in the Office; and is hereby required, immediately on the Receipt of the Writ of Error, to mark down upon the Writ of Error the very Day of the Month and Year the same was received into the Office: And if it shall appear to the Court of Errors, that any Writ of Error is quashed, or the Benefit of the same lost to the Party or Parties suing the same, through the Neglect of the Secretary for the Time being of this Island, or his Deputy, the Court may award such Costs against the Secretary, or his Deputy, for the same, as shall be reasonable, to be paid to the Party injured; to be levied on him, with the usual Fees for levying Executions as shall be allowed by the Law, by Attachment, signed only by the Person who shall be presiding in the said Court of Errors, and under his private Seal, directed to the Marshal, or his Deputy for the Time being; and the Effects levied on, to be sold as usual, and as the Law shall then direct in Cases of Executions levied in the Court of Common Pleas; else such Secretary, or his Deputy, to stand committed in close Custody until such Costs are paid, as the Court shall think fit: Provided nevertheless, the Secretary, or his Deputy, shall not be liable to Costs, unless the Writ was lodged in his Office Five Days before the Return thereof.

CXVIII. AND be it also enacted by the Authority aforesaid, That after Errors assigned, the Plaintiff in Error, or his Counsel, shall give Notice thereof in Writing to the Defendant in Error, or his Counsel, who shall join in Error, or plead to the same, or to the Writ, or demur, or alledge Diminution, Fifteen Days next after such Notice, if the Writ of Error be then returnable, and the Record transcribed and certified; and if not then returnable, and Notice given of such Assignment of Errors, then to join in Error, plead, demur, or alledge Diminution, within Fifteen Days after the Return of the Writ of Error.

CXIX. AND in case Diminution be alledged, then the Secretary shall immediately, without further *Certiorari*, Writ, or Order, inspect the Record,

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Secretary to make Transcript of Record, on Writ of Error being lodged; and to indorse thereon the Time when received.

Penalty on Secretary neglecting his Duty,

Notice of Error.

Pleadings.

Secretary to describe Diminution, &c. or certify that Record was fully transcribed.



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Writ of Error not to  
issue, or be a *Superfedeas*,  
without Security first  
given.

Writ of Error quashed for  
insufficient Security.

Costs and Damages.

Execution for Costs and  
Damages, Writs of Resti-  
tution, &c. to be from  
Courts below.

Record, and, if there be Diminution, shall, without further Writ, *Certiorari*, or Order, make out the Part of the Record then omitted; and the Chief Justice, or, in his Sickness or Absence, the next Judge of the Court of Common Pleas attending, shall certify the same immediately, upon Application made to him, and producing the same under the Secretary's Hand; and in case the Secretary shall find the Record was at first fully certified, he shall, within Fourteen Days after such Diminution alledged, certify, under his Hand, on the Record, that the Record was before fully transcribed, and certified not in any Thing diminished; and thereupon the Defendant in Error shall, in Fifteen Days next after that, plead to the Errors assigned, or to the Writ, or demur, or join in Error, as he shall be advised; and shall pay Seven Pounds, Current Money of *Tobago*, for Costs for the Delay.

CXX. AND to prevent frivolous Writs of Error, be it also enacted by the Authority aforesaid, That no Writ of Error shall issue in any Case, nor be allowed as a *Superfedeas* to Execution if issued, whether the Judgement be by Default, Confession, or on a Verdict, or Demurrer, except as herein-after excepted, without Security first given by Two sufficient Sureties, Inhabitants of this Island, in Double the Value of the Thing in Question, by Bond, to the Defendant in Error, entered into and executed in the Secretary's Office of this Island, to pay the Debt, and all such Costs and Damages as shall be awarded by the Court of Errors, in case the Judgement be affirmed, or the Writ of Error discontinued, or quashed, or the Plaintiff in Error nonsuited.

CXXI. AND if the Defendant in Error suspect the Sufficiency of the Security given, at any Time before the Return of the Writ of Error, and enter his Exceptions in the Margin or Bottom of the Security Bond given in the Secretary's Office, and give Notice thereof to the Plaintiff in Error, or his Counsel or Attorney; then in case the said Bail do not justify themselves on Oath before the Secretary, within Eight Days after such Notice, or new sufficient Bail put in within such Eight Days, then, upon Affidavit before a Judge of the Court where Judgement was given, filed in the Secretary's Office, of such Service, the Defendant in Error may take out Execution, and on Motion to the Court of Errors, such Writ of Error shall be quashed, with Costs and Damages.

CXXII. AND the said Court of Errors is hereby empowered to award any gross Sum or Sums for Costs, or order the Secretary to tax Costs, at the Discretion of the said Court; and also to give Damages, to be enquired of by a Jury in all Cases where a Judgement shall be affirmed on a Writ of Error; or any Writ of Error shall be quashed or discontinued, or the Plaintiff nonsuited, except in Cases hereafter excepted: And for better Information what Damages are proper to be given, the said Court shall award a Writ of Enquiry to the Marshal, or his Deputy, to summon a Jury to enquire thereof, returnable in Fourteen Days; and if such Writ of Enquiry awarded, the Defendant in Error, or his Counsel or Attorney, shall give Three Days Notice, exclusive of the Day of Service and Day of executing the Writ of the Plaintiff in Error, or his Counsel or Attorney, in Writing, of the Time and Place of executing such Writ; and each Party may examine Witnesses *viva voce* before the Jury, and what Damage the Jury find, Judgement shall be given for the same by the Court of Errors; and in Case of Ejectment or Dower, all Wastes committed after the first Judgement, and the mesne Profits, shall be considered and allowed for in such Enquiry of Damage, from the Time of such First Judgement.

CXXIII. AND be it enacted by the Authority aforesaid, That Executions shall issue from the Court below for all such Costs and Damages,



images, in the same Manner, as well as for the principal Thing or Matter to be levied; and upon Reversal of a Judgement, Writs of Restitution, and all other necessary Process thereon shall issue from the Court below; and when the Judgement is either affirmed or reversed, the Transcript, with the Judgement given thereon in the Court of Errors, shall be remanded down again to the Court from whence it came, and an Entry or Memorandum shall be made by the Secretary in the Margin of, or under the Record of the First Judgement, of the Day of the Reversal or Affirmation thereof, and also enter the same briefly by a Minute of the Parties Names and Kind of Action in the Book of Records of the Court of Errors.

CXXIV. AND be it also enacted by the Authority aforesaid, That no Heir or Heirs, and Devisees, Executors, Administrators, or Guardians, shall be obliged to give Security on a Writ of Error, except in such Cases where, by the Law of *England*, Heir, Heirs, Devisees, Executors, Administrators, or Guardians, are obliged to give Security; nor shall any Person be bound to give Security on a Writ of Error brought on any Penal Law or any Action Popular; yet nevertheless the said Court of Errors may give Costs only on the Affirmation of any Judgement, either on any Penal Law or Action Popular, so as it be not against an Heir, Heirs, and Devisees, Executor, or Administrator.

CXXV. AND be it also enacted by the Authority aforesaid, That where any Error in Fact is assigned, and Issue thereon joined, the Court of Errors, hereby established, shall order a Writ to the Marshal, at the Expence of the Plaintiff in Error, to try such Issue, to be proceeded on in all Respects as in case a Writ was awarded for Enquiry of Damages, as herein-before directed, and Judgement thereon to be given by the said Court of Errors as shall be proper.

CXXVI. AND be it enacted by the Authority aforesaid, That *Subpœnas* shall issue and be served on Witnesses to attend and give Evidence before the Marshal, on Enquiry of Damages or Trials of Issues on Errors in Fact, which shall be made out by the Secretary, and signed and sealed by the Secretary or his Deputy only; and any Witness not attending after due Service made, without any Tender of Money, at any Time before Sunſet of the Second Day preceding the Day, by personal Service, or by leaving the same at the usual Place of Abode of such Witness, shall be liable to the Costs of the Party injured; and Proof on Oath first made, that the Evidence of such Witness refusing or neglecting to attend, on being served with a *Subpœna*, was material in the Cause, be finable in any Sum not exceeding Fifty Pounds, nor under Ten Pounds Current Money of *Tobago*, to the Use of His Majesty, His Heirs and Successors, to be paid into the Publick Treasury of this Island for the publick Purposes of this Island, and to be taken on Attachment, to be issued in Court or out of Court, under the Foot of the Great Seal, or the Hand and private Seal of such Person so presiding in the said Court of Errors, directed to the Marshal, or his Deputy, and be committed until both Costs and Fine be paid, or otherwise discharged, upon Hearing by the Court of Errors; and the Court may, if thought necessary, award a new Enquiry or Trial of such Issue if the Default of such Witness was a material Prejudice to the Party who summoned such Witness, on Payment of reasonable Costs to the other Party.

CXXVII. AND be it also enacted by the Authority aforesaid, That where Matters are at Issue, or ripe for Arguments in Errors, either Party may serve the other with a Notice, instead of a *Scire facias*, to hear Errors, at least Eight Days before Errors are to be argued, and

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Transcript, with Judgement given in Error, to be remanded down to the Court below.

Heirs, Executors, or Guardians, not obliged to give Security, except where obliged in *England*; nor Security to be given in Error brought on Penal Laws or Actions Popular.

Issue on Error in Fact, how to be tried.

*Subpœna* for Witnesses on enquiring of Damages, or Trials of Issues on Error in Fact, and Penalty on Witnesses not attending Court, may therefore award new Enquiry or Trial of Issue.

Notice to hear Errors.



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Judgement.

When a Second Writ  
shall supercede an Exe-  
cution.

Court may make Rules  
of Practice.

Fees in the Court of  
Error.

Appeals from Decrees in  
Chancery; Value of  
Lands and Tenements  
appealed for to be settled  
by Appraisement.

How such Appraisement  
to be made.

then, or as soon after as Counsel can be heard by the Court of Errors, the Cause shall be argued; and upon Neglect or Delay of the Plaintiff in Error, the Court may order him to be nonsuited; and if the Defendant in Error make Default, the Court may examine the Error *ex parte*, and give Judgement, as they shall judge proper, to reverse or affirm the Judgement.

CXXVIII. AND be it enacted by the Authority aforesaid, That no Second Writ of Error shall be a *Superfedeas* to an Execution, except where the First Writ was discontinued, abated or lost, without Default of the Plaintiff in Error, or his Counsel; in which Case a *Superfedeas* may be awarded by the Court of Errors aforesaid, signed by the Person presiding, and under the Foot of the Great Seal, or his Private Seal, and a Copy served on the Defendant in Error, and the Original left with the Marshal; but if no such *Superfedeas*, Execution may be levied.

CXXIX. AND be it, and it is hereby enacted by the Authority aforesaid, That the Court, hereby established for hearing and determining Errors, shall be, and are hereby empowered to settle any further or other Rules or Orders of Practice on Writs of Error, so as the same shall not be repugnant to this Act, and to be as agreeable as may be to the Laws and Practice of *England*; which Rules shall be entered by the Secretary at the reverse End of the Book where the Rules of the Courts of Common Pleas are to be entered.

CXXX. AND be it also enacted by the Authority aforesaid, That Ten Shillings and Sixpence, and no more, shall be paid to the Person presiding in the said Court of Errors, for each Writ or Warrant which shall be by them signed and sealed pursuant to any Clause before or hereafter contained, except the Writ of Error itself, for which the usual Fee shall be allowed and taken.

CXXXI. AND be it, and it is hereby enacted by the Authority aforesaid, That Appeals from Decrees in Chancery, or Judgements in Writ of Error given in this Island, shall in all Things be regulated according to the King's Royal Instructions, from Time to Time, to His Commander in Chief of the Southern *Caribbee* Islands for the Time being; save and except that His Majesty, His Heirs or Successors, shall, by special Order, allow Writs of Error or Appeals in any Cases: And where any Doubt shall arise on the Value of any Thing appealed for in Cases of Lands and Tenements and Slaves, whether on a Decree in Chancery or Writ of Error, to the End such Value may be ascertained, and that it may be known whether the same Value amounts to the Sum limited by the same Instructions for allowing Appeals, it is hereby enacted, That in all such Cases a Warrant shall issue, under the Foot of the Great Seal, or the private Seal of the Person presiding in the Chancery or Court of Errors where the Matter did depend, at the Request of the Party appealing, directed to Five Persons, or any Three or Four of them, the Members of the Council and Justices of the Court of Common Pleas only excepted, to be nominated, Two by the Appellant and Two by the Respondent, and a Fifth by the presiding Person issuing the Warrant, as an Umpire, in case there should be an Equality of the other Four differing; directing them, or any Three or Four of them, to appraise the Lands and Tenements and Slaves in Dispute, and to make Return thereof in Five Days, under their Hands and Seals, on Oath, in the Secretary's Office of this Island; which Oath may be made either before the Person so presiding, or before the Marshal or his Deputy in this Island for the Time being, or the Secretary or his lawful Deputy.

CXXXII. AND



CXXXII. AND if either Party do neglect or refuse to nominate his Two Appraisers within Twenty-four Hours after Notice, and to furnish the adverse Parties with such Appraisers Names in Writing, then, upon Affidavit of the Service and Neglect, the whole Four Appraisers shall and may be nominated by the other Party; and the Affidavit of Service and Neglect shall be made before the Person presiding issuing such Warrant, or before the Secretary or his Deputy, who is hereby empowered to swear the Parties concerned; and the Affidavit shall be filed in the Secretary's Office; and the Method of leaving Names of Appraisers in order to put into the Warrant, shall be by lodging their Names with the Secretary, who is to make out a Warrant of Appraisement.

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Either Party neglecting to nominate his Appraisers, the Whole may be appointed by the other Party, &c.

CXXXIII. AND be it also enacted by the Authority aforesaid, That each Appraiser, and the Umpire, shall be served, by the Party procuring the Warrant of Appraisement, with a Notice in Writing, mentioning the Cause, Time, and Place of Attendance in a brief Manner, or with the Copy of the Warrant of Appraisement, at least Forty-eight Hours before the Time of the Return thereof, that they may agree when and where to meet; and each Appraiser, and the Umpire, shall be allowed Fourteen Shillings for their Trouble; and in case either of the Appraisers, or the Umpire, refuse or neglect duly to execute such Warrant in all Respects, and to make Return on Oath, as hereby directed, without lawful Excuse, to be admitted by the Court from whose Decree or Judgement the Appeal goes, each such Appraiser, or Umpire, shall, upon Affidavit of the Service and Neglect, be taken by Attachment from the same Court, under the Foot of the Great Seal, or the private Seal and Hand of the Person presiding, directed to the Marshal, or his Deputy, and fined, not exceeding Fifty Pounds, nor under Ten Pounds, Current Money of this Island, by the Court from which the Appeal goes, and be committed to close Custody until Payment thereof; which Fine shall be to the Use of His Majesty, His Heirs and Successors, to be paid into the publick Treasury of this Island, for the publick Uses thereof; and the Party offending shall and may, if Occasion, be examined upon Oath upon Interrogatories touching such last-mentioned Default as for a Contempt; and such Examination to be either before the Master in Chancery, if the Cause was in Chancery, or before the Secretary or his Deputy, if the Cause was in Errors; and to be proceeded against summarily touching the same, as proper in Cases of Contempt.

Further Regulations with regard to Appraisements.

CXXXIV. AND in order to establish a certain Course of determining Criminal Matters, be it, and it is hereby enacted, That Once in every Year (to wit) the First *Tuesday* in *October*, at the Court-house in the Town of *Scarborough*, in the Island of *Tobago*, the First Sitting to be held; the First *Tuesday* of *October* next ensuing, shall be held a Court for hearing and determining Criminal Matters, which shall be called, *A Court of King's-Bench and Grand Sessions for Tobago*; which Court shall have, and it is hereby invested with the same, and as full Power, to hear, judge, determine, and execute, in all Criminal Matters and Pleas of the Crown arising within this Island, from High Treason inclusive to the lowest Misdemeanor and Trespas included within this Island, as the Court of King's-Bench in that Part of *Great Britain* called *England*, hath in *England*, and as Justices of Oyer and Terminer and General Gaol Delivery in *England*, in their Sessions, have there by Law; and also shall have, and are vested with the same and all Powers, to hear, try, judge, determine, and execute, all such other Things, as by any Law or Act of this Island, Justices of Oyer and Terminer and General Gaol Delivery, and Justices of the Peace in their Sessions, or any of

Court of King's Bench and Grand Sessions to be held on the First *Tuesday* in *October* yearly.



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Any Free Person stealing by Day or Night, in any Dwelling-house, Shop, Store, Ware-house, or Out-house, Money or Goods to the Value of 10*l*. (though such House, &c. be not broke open, or any Person be or not be therein) or shall assist in, hire, or command the same, being thereof convicted or indicted, stand mute, or peremptorily challenge above 23 Jurors, is absolutely excluded the Benefit of Clergy.

Receivers of stolen Goods, and Harbours of Felons, deemed Accessaries, and to suffer Death; or, if Principal not taken, to be fined and imprisoned, or suffer other Corporal Punishment.

Mutes, Challengers of more than 20 Jurors, and Outlaws, excluded Clergy, in Cases where Clergy is not allowed if convicted by Verdict or Confession.

A Court of Record; and no Commission necessary for holding the Court or appointing the Judges.

the same Justices are impowered to do; and shall adjudge and determine, in all and every the same Matters, according to the Law and Statutes of *Great Britain* in Force or to be in Force here, and the particular Laws and Acts of this Island.

CXXXV. BE it enacted by the Authority aforesaid, That all or any Free Person or Persons, that shall at any Time or Times, by Night or in the Day Time, from and after the Date of this Act, in any Dwelling-house, Shop, Store-house, Ware-house, or Out-house to any Dwelling-house, Shop, Store-house, or Ware-house belonging, feloniously steal any Money, Goods, Wares, or Merchandizes, being of the Value of Ten Pounds Current Money of said Island, or more; although such Dwelling-house, Shop, Store-house, Ware-house, or Out-house to the same belonging, be not actually broke open by such Offender or Offenders; and although the Owners of such Goods, or any other Person or Persons, be or be not in such Dwelling-house, Shop, Store-house, Ware-house, or Out-house to the same belonging, to be put in Fear; or shall assist, hire, or command any Person or Persons to commit such Offence, being therein convicted or attainted by Verdict or Confession, or being indicted thereof, shall stand mute, or will not directly answer to the Indictment, or shall peremptorily challenge above the Number of Three and Twenty Persons returned to be of the Jury, shall, by virtue of this Act, be absolutely debarred and excluded of and from the Benefit of their Clergy.

CXXXVI. BE it hereby enacted by the Authority aforesaid, That if any Person or Persons shall receive or buy any Goods or Chattels from any such Free Person or Persons, that shall be feloniously taken or stolen from any other Person, knowing the same to be stolen, or shall receive, harbour, or conceal any Burglars, Felons, or Thieves, knowing them to be so, shall be taken and received as Accessary or Accessaries to the said Felony or Felonies; and being of either of the said Offences legally convicted, by the Testimony of Two or more credible White Witnesses, shall suffer and incur the Pains of Death as a Felon Convict. Provided always, That if any such principal Felon cannot be taken, so as to be prosecuted and convicted for any such Offences, yet nevertheless it shall and may be lawful to prosecute and punish every such Person and Persons buying and receiving any Goods stolen by such principal Felon, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, or other such corporal Punishment as the Court shall think fit to inflict; although the principal Felon be not before convicted of the said Felony; which shall exempt the Offender from being punished as Accessary, if such principal Felon shall be afterwards taken and convicted.

CXXXVII. AND be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever be indicted of any Offence, for which, by virtue of any former Statute, he, she, or they, are excluded from having the Benefit of his, her, or their Clergy, if he, she, or they had been thereof convicted by Verdict or Confession, if he, she, or they shall stand mute, or will not answer directly to the Felony, or shall challenge peremptorily above the Number of Twenty Persons returned to be of the Jury, or shall be outlawed thereupon, shall not be admitted to the Benefit of his, her, or their Clergy.

CXXXVIII. AND be it enacted by the Authority aforesaid, That the said Court of King's Bench and Grand Sessions hereby established, shall be, and is hereby declared, to all Intents and Purposes, a Court of Record; and also, that no particular Commission shall be necessary for holding the said Court, and appointing Justices thereof; but the Justices thereof



thereof shall be, and are hereby authorized and enabled to act in all Things aforesaid by virtue of this Act, without further Writ, Commission, or Authority.

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CXXXIX. AND be it also enacted by the Authority aforesaid, That the several Persons following shall be Justices of the said Court, and no other; (that is to say), The Lieutenant General of His Majesty's Southern *Caribbee* Islands for the Time being; the Lieutenant Governor of this Island for the Time being; all the Members of His Majesty's Council for this Island for the Time being; the Justices of the Common Pleas, and the Barons of Exchequer of this Island for the Time being; and all His Majesty's Justices of the Peace of this Island for the Time being: Except always, That if any One of the said Persons shall then happen to be Commander in Chief of the Southern *Caribbee* Islands, he shall not be a Justice of the said Court while so Commander in Chief, because with him will be the Power of shewing Mercy to Criminals.

Who shall be Justices of the said Court.

CXL. AND be it enacted by the Authority aforesaid, That any Five or more of the same Justices shall be a Court, but not less than Five; so always that of these Five, Two of the Persons shall either be the said Lieutenant General, Lieutenant Governor, or some Member of His Majesty's Council, or of the Justices of the Common Pleas, or Barons of the Exchequer; and that the Person to preside in the said Court shall be dignified, addressed, and known, during the Sitting of that Court, by the Title of, *The Honourable the President of His Majesty's Court of King's Bench and Grand Sessions of the Peace*. And the Method of Precedency among the same Justices who shall attend in Court shall be, First, the said Lieutenant General, then the Lieutenant Governor, then the Members of His Majesty's Council in Order as they take Place at the Council Board, then the Chief Justice of the Common Pleas, then the Chief Baron of the Exchequer, then the Judges of the Common Pleas and Barons of the Exchequer, each according to the Priority of their Commissions, and then the said Justices of the Peace in Order named in the Commission of the Peace; and the said Lieutenant General, the said Lieutenant Governor, Members of His Majesty's Council, Chief Justice of the Common Pleas, Chief Baron of the Exchequer, Puisne Judges of the Common Pleas, and Puisne Barons of the Exchequer, are all hereby declared to be of the *Quorum*, in all Cases whatsoever cognizable by a Justice of Peace.

How many necessary to hold a Court.

CXLI. AND be it also enacted by the Authority aforesaid, That all the Members of the said Court, before they shall be enabled to sit as Justices thereof, shall take the Oaths, and subscribe the Test appointed by Law to be taken and subscribed by Persons in Publick Offices and Places of Trust, and shall also take the following Oath, *viz.*

Their Oaths:

*I A. B. do swear, That according to the best of my Skill and Knowledge I will do impartial Justice according to Law, between the King and His Subjects, and between Subject and Subject, as One of His Majesty's Justices of His Majesty's Court of King's Bench and Grand Sessions of the Peace for this Island, without Favour, Affection, or Partiality.*

*So help me God.*

CXLII. AND be it enacted by the Authority aforesaid, That every Justice of the same Court shall have an equal Voice; and in taking the Votes, the youngest Justice of the same Court, in respect to the Order of Precedency herein-before established, shall vote first, and gradually upwards.

Their Voting.



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Who shall be Clerk, Marshal, and Cryer, of the said Court.

The Justices to be summoned to hold Court.

Adjournments, their Time and Manner.

Clerk of the Crown to issue Precept for Grand and Petty Juries.

Marshal to get Precept signed by the Justices.

Marshal to summons Juries.

Form of the Summons.

CXLIII. AND be it also further enacted by the Authority aforesaid, That the Clerk of the Crown for this Island for the Time being, or his lawful Deputy, shall be Clerk of the Court of King's Bench and Grand Sessions hereby established; and the Provost Marshal of this Island, or his lawful Deputy, shall be Marshal of the same Court for the Time being; and the said Provost Marshal, or his Deputy, shall, at his own Expence, find a Cryer, and at least Three more under Officers, to attend the Grand and Petty Juries.

CXLIV. AND be it also enacted by the Authority aforesaid, That Summons, by Way of Letters, shall be issued by the Secretary to the respective Justices of the said Court, requiring their Attendance at the Day hereby appointed for each Court of King's Bench and Grand Sessions aforesaid, which Summons shall be timely delivered to the Marshal, so that he may serve them Six Days at least before each Day for holding the same Court; and the Marshal, or his Deputy appointed for that Purpose, shall serve them accordingly.

CXLV. AND be it also enacted by the Authority aforesaid, That the said Court of King's Bench and Grand Sessions shall have Power and Authority to sit and adjourn from Day to Day during the Space of Five Days, from the First Time of Meeting hereby appointed for the holding each Court respectively, and no longer; and if by Alarms, or other Causes, the said Court cannot meet at the Time hereby prefixed, the Person in Chief Command on this Island may appoint any other Day for holding the same Court, and the same shall be held accordingly; so always as there shall be at least Fourteen Days from the Day of making such last Order until the Day thereby to be appointed for holding the same Court.

CXLVI. AND be it further enacted by the Authority aforesaid, That the Clerk of the Crown, at his Peril, shall, Ten Days at least before the Sitting of the Court of King's Bench and Grand Sessions, issue out a Writ or Precept, in general Terms, in the King's Name, which shall be tested generally to this Effect: *Witness the Justices of Our said Court hereto subscribing and sealing.* And the Marshal, at his Peril, shall address himself to some of the said Justices then upon this Island, applying to them in Course according to their Degrees, beginning with the Lieutenant General first, and so downwards in Order; and shall get the said Writ or Precept signed by Two or more of them; the Tenor whereof shall be to summon a sufficient Grand Jury, and sufficient Petty Juries, of the Freeholders and Inhabitants of this Island, to serve at the next Court of Grand Sessions of the Peace to be held for this Island, on the Day of next (or instant) in the Town of Scarborough; and to publish the holding of the said Sessions as the Law directs.

CXLVII. AND be it further enacted by the Authority aforesaid, That by Virtue of the said Writ, the Provost Marshal, or his Deputy, shall summon Twenty-four Persons of the best Note in this Island, not being Members of the said Court of King's Bench and Grand Sessions, being Freeholders, Merchants, or Managers, to serve as Grand Jurors; and at least Thirty-six sufficient Freeholders and Inhabitants of this Island, to serve as Petty Jurors at the same Court respectively: And to prevent Disputes about good Service of Notice to such Jurors, the Summons shall be a short Writing, signed by the Marshal, or his Deputy, to this Effect:

*MR. A. B. appear on the Day of next (or instant) and serve as a Grand Juror, or Petty Juror (distinguishing which in the Summons) at the Court of King's Bench and Grand Sessions of the Peace.*

Which



Which Summons shall be served personally, or by leaving it at the usual Place of Abode of the Person summoned, at least Four Days, exclusive of the Day of Attendance; and the Marshal, or his Deputy, shall publish further the holding the said Court, in the Gazette of this Island, Five Days before the holding the Court, if any Gazette should be then published in *Tobago*, and if there should be no such Gazette, then by fixing up a Publication in Writing in a large Hand, at the Gates of the Court House in *Scarborough*, at least Five Days before the Day for holding of the same Court; and so when held on an Adjournment by the Governor, in case of Alarms and Interruptions as aforesaid.

CXLVIII. AND be it also further enacted by the Authority aforesaid, That all Coroners, Way Wardens, and Town Wardens, and Constables of this Island, are hereby required, at their Perils, to attend without further Notice at the said Courts respectively, from the Beginning of the Sessions to the End thereof, unless excused or sooner discharged by that Court.

CXLIX. AND be it further enacted by the Authority aforesaid, That, at the Expence of the Publick of this Island, there shall be provided a Staff for each Constable in the said Island, of Six Feet long, and of a proper Thickness, and of a durable and tough Wood, which shall be painted at Top, and the Word *Tobago* painted thereon, which shall be lodged in the Office of the said Marshal, and shall be delivered out to the Constables during the Sessions of the said Court, to be delivered to the Provost Marshal, or his Deputy, at the End of such Sessions; and the Number of such Staves to be kept up, if any should be broken or lost.

CL. AND be it enacted by the Authority aforesaid, That all Justices of the Peace, Coroners, and other Persons, who shall have taken any Inquest, Depositions, Recognizances, or other Papers relating to the Peace, or to Matters cognizable by the same Court hereby established, shall send the same to the Clerk of the Crown Four Days before the holding the said Sessions; and if taken within such Four Days, then as soon after the same was taken as conveniently may be.

CLI. AND be it also enacted by the Authority aforesaid, That all Magistrates, Justices of the Peace, Coroners, and others hereafter taking, or who have already taken Recognizances, or other Securities of the Peace, for Appearance at the Sessions of the Peace, although no Mention shall be made of the particular Stile or Stiles of the Court hereby established, the same shall be binding for Appearance at the same Court, and forfeited for Non-appearance; and also that all such Recognizances shall be written, with their Conditions, at full Length, and so returned, and not otherways.

CLII. AND be it enacted by the Authority aforesaid, That the Court of King's Bench and Grand Sessions hereby established, and the Business thereof, shall be carried on, as has been usual, in the *English* Tongue, and by Indictment, Presentment, Appeal, Information, Bill, Petition, or otherwise, as agreeable as may be to the Terms and Practice of the Courts of Oyer and Terminer and Sessions of the Peace in that Part of *Great Britain* called *England*, and the usual Practice heretofore followed in such Courts held in this Island.

CLIII. AND because the Courts of King's Bench and Grand Sessions, hereby established, will sit but Once a Year, be it therefore enacted by the Authority aforesaid, That any Two or more of the said Justices of the said Court of King's Bench and Grand Sessions, being then Justices also of the Common Pleas of this Island, shall and may, at any Time in the Year, take and admit Bail in all Cases, as fully as a Court of King's

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To publish the holding of the Court in Gazette.

Who obliged to attend the Court.

Constables to be provided with Staffs.

Justices of the Peace, Coroners, &c. to return Recognizances at Length. Inquests Depositions 4 Days before holding the Court.

Recognizances, &c. binding without regard to Stile.

Form of Practice of the Court.

Bail in Pleas of the Crown may be taken at any Time by Two Judges of the Common Pleas.



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Recognizances forfeited,  
and Fines imposed, and  
not paid, how to be re-  
turned, prosecuted, and  
recovered.

King's Bench in *England* can do there, in Term Time or out of Term Time.

CLIV. AND, to the End therefore that Certainty and Regularity may be established touching the estreating such Recognizances, be it, and it is hereby enacted by the Authority aforesaid, That the Secretary and his Deputy respectively, shall and are hereby required to return to the Chief Justice, or if none, to the Senior Justice of the Court of Common Pleas in this Island for the Time being, One complete Extract of all Recognizances forfeited and Fines imposed at the Court hereby established, and not paid down, or the Party committed for such Fines; and also to deliver One other perfect Copy of the same Extract to the Treasurer of this Island, or his lawful Deputy, for the Time being, and shall sign the same with his Name, and date the same, and the same Fines shall be levied and recovered, and the said Recognizances prosecuted and recovered, in the Manner as herein-after directed, (that is to say) A *Capias*, or other proper Process for the Fine, shall and may issue, to be proceeded upon in the said Court of Common Pleas in such Manner as by the Act for establishing such Courts of Common Pleas is or shall be directed in case of Fines imposed upon Jurors their making Default of Appearance; and if no such Method shall be there established, the same Court of Common Pleas shall therein proceed according to their Discretion, and as near as may be to the Practice of the same Court and the Laws of *Great Britain*, and Costs to be allowed thereon, and all Fees to Judges and Officers to be paid thereon, as in case of Subjects Suits, may be lawfully taken: And the Method of prosecuting such Recognizances in the said Court of Common Pleas shall be by *Scire facias* or Action of Debt, at the Suit of the Crown, and according, as near as may be, to such Method as shall be established in the same Court for proceeding upon *Scire facias*, or Actions of Debt between Subject and Subject, and Execution to run and be levied thereon immediately; and on such Levy the Marshal shall immediately proceed to Sale, and Costs shall be recoverable on Prosecution of such *Scire facias* or Actions of Debt; for which *Scire facias* and Action of Debt the same Fees shall be paid to all Justices and Officers as in case of Subjects Suit: And the said Chief Justice, or next Senior Justice of the Common Pleas, the said Treasurer or Deputy, and the said Marshal and his Deputy, are hereby required, in their respective Offices, to promote and assist in the levying and receiving all such Fines and Recognizances; and the Treasurer and his Deputy shall be, and are hereby empowered and required to advance publick Monies for the carrying on such Prosecutions, and shall apply to the King's Attorney General, (if any upon this Island) or else to the King's Solicitor General, (if any on this Island) and if no King's Counsel at Law, then to any Counsel at Law upon this Island, to forward and carry on all such Prosecutions, and shall pay them reasonable and usual Fees.

Fines of Jurors for Non-  
appearance.

CLV. AND be it also enacted by the Authority aforesaid, That the Fines of Jurors, not appearing at the Call of them at the Court hereby established, or departing without Leave of the said Court, shall be as follows, *viz.* A Grand Juror, for every Default, Ten Pounds Current Money of this Island, and every Petty Juror Five Pounds like Money for each Default.

Power of Courts to mi-  
tigate or take off Fines.

CLVI. AND be it hereby further enacted by the Authority aforesaid, That the Court of King's Bench and Grand Sessions, hereby established, shall have Power, at the same Sessions, over any Fines which shall be by such Court laid, but not after, to mitigate or take off any Fine by such Court to be imposed: Provided nevertheless, That as Grand Jurors and

Petty



Petty Jurors Fines are hereby made certain for Non-appearance, such Fines only shall not be mitigated, but shall be either so entirely taken off, or entirely continue.

CLVII. AND be it also further enacted by the Authority aforesaid, That all Officers, Coroners, Way Wardens, Town Wardens, Constables, and other Persons whatsoever, who shall be required, or are by this Act required to attend the Court of King's Bench and Grand Sessions, hereby established, shall be liable to Fines on Non-attendance, not under Three Pounds, nor above Ten Pounds Current Money of this Island; except always the Justices of the same Court from being liable to any Fines for Non-attendance in their Capacities of Justices, but may be liable to Fines for Non-attendance in any other Capacity.

CLVIII. AND be it also enacted by the Authority aforesaid, That the said Court of King's Bench and Grand Sessions, hereby established, shall and may proceed to hear, determine, order, direct, and finish any Indictment, Presentment, Information, Process, Petition, or other Matter or Thing whatsoever, already begun by any former Court of Oyer and Terminer, General Gaol Delivery or Sessions of the Peace, or of King's Bench and Grand Sessions of the Peace heretofore held for this Island; and all Persons standing bound over for Appearance of themselves or others, shall appear, or cause Appearance to be made, on the First Meeting of the same Court, hereby established, upon Pain of forfeiting their Securities in Default, unless further Time be given by the said Court.

CLIX. AND be it enacted by the Authority aforesaid, That any Person who shall be concerned to defend or prosecute any Thing in the same Court, hereby established, shall and may have *Subpœnas* for Witnesses to attend, under the Penalty of Twenty-five Pounds Current Money of this Island Forfeiture for each Witness not attending, to be served, and the Penalty to be recovered in Manner, and for the same Uses as is or shall be by Law established in case of *Subpœnas* for Witnesses to attend in the Court of Common Pleas of this Island, to be signed and sealed only by the Secretary of this Island, or his Deputy for the Time being, and shall be tested in the King's Name; but nothing herein to hinder the binding over any Witness to appear at the same Court, hereby established, by Recognizance heretofore used for Appearance at Sessions of the Peace.

CLX. AND be it enacted by the Authority aforesaid, That the Provost Marshal, or his Deputy respectively, for the Time being, shall be, and are hereby impowered and strictly enjoined and required, diligently to receive and collect in all Monies due or to be due for any Fines aforesaid, either in the said Court of Common Pleas or of King's Bench and Grand Sessions, or for any Recognizances forfeited or to be forfeited as aforesaid, and to discharge the Party actually and *bona fide* paying the same; and annually, or oftener, when called upon by the Treasurer or his lawful Deputy, or the Committee of Publick Accounts of the Council and Assembly of this Island, from Time to Time to be appointed, shall account for the same on Oath, and immediately pay the Balance into the Hands of the Treasurer of this Island, or his Deputy for the Time being, upon Pain of forfeiting his Security Bonds, and being further prosecuted.

CLXI. AND, for the Encouragement of the Marshal in doing his Duty in collecting Fines and Monies, due or to be due as aforesaid upon forfeited Recognizances or Sureties of the Peace, be it further enacted by the Authority aforesaid, That all Monies or Effects, arising by such Means, which shall be paid by such Marshal or Deputy, without

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Fines of Coroners, Way-Wardens, &c. for Non-attendance.

Prosecutions begun in any former Court of Sessions, or of Oyer and Terminer, &c. may be proceeded upon;

and Persons bound over to appear at the First Court of Sessions held under this Act.

Witnesses to be subpoena'd on Penalty, or bound over,

Marshal to collect Fines imposed in Common Pleas or at Sessions,

and forfeited Recognizances and Accounts upon Oath, and pay the Balance to the Treasurer.

Penalty.

Marshal's Fees for collecting Fines, &c. 5 per Centum.



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Fines and Forfeitures,  
how to be applied.

Commander in Chief may  
at any Time issue Com-  
missions of Oyer and  
Terminer, and General  
Gaol Delivery.

Who exempted from the  
Jurisdiction of the Court  
of Grand Sessions.

The Courts to be regu-  
lated by this Act only.

Application of Fines not  
before particularly ap-  
plied.

Suit or Prosecution at Law, to compel the Payment thereof from such Marshal or Deputy, there shall be an Allowance made to such Marshal or Deputy at and after the Rate of Five *per Centum*.

CLXII. AND be it further enacted by the Authority aforesaid, That all Monies and Effects which, after legal Deductions, shall be raised upon any Fines or Forfeitures to be imposed by the same Court hereby established, or which shall arise by Forfeitures of Recognizances entered into for Appearances at any former Court of Oyer and Terminer and General Gaol Delivery, or King's Bench and Grand Sessions of the Peace of this Island, or which shall be hereafter taken for Appearance at the Court hereby established, shall be applied as follows; (to wit,) First, to bear the incident Charges of the Court hereby established, and the Remainder to the Use of His Majesty, His Heirs and Successors, to be paid into the Hands of the Treasurer of this Island for the Time being for the publick Uses thereof.

CLXIII. PROVIDED always, and be it enacted by the Authority aforesaid, That nothing herein contained shall be construed to bar or hinder His Majesty's Commander in Chief of these Islands for the Time being, at any Time or Times, to issue a Commission or Commis- sions of Oyer and Terminer and Gaol Delivery, for such particular Ends and Purposes as shall be thought necessary.

CLXIV. AND be it also further enacted by the Authority aforesaid, That if any of the Justices of the Courts, hereby established, shall be prosecuted in the said Court, such Justice is hereby declared subject to the Jurisdiction thereof, and shall be incapable of sitting in such Court as a Justice, and shall descend from the Bench, and not sit as a Justice thereof, until the Matter be fully determined and ended; save and ex- cept from the Jurisdiction of this Court, as Offenders, His Majesty's Commander in Chief of these Islands, the Lieutenant General of the same, the Lieutenant or Deputy Governor of this Island of *Tobago* for the Time being, and the President of the Council for the Time being, when and so long only as there shall be no Lieutenant Governor or Deputy Governor of *Tobago* in Commission; and such President shall act as Lieutenant or Deputy Governor, because the said exempted Per- sons are expressly made liable to be prosecuted in a particular Manner by the Statute for that Purpose made in the Eleventh and Twelfth Year of the Reign of His late Majesty King *William* the Third.

CLXV. AND also be it enacted by the Authority aforesaid, That this shall be the only Act of this Island by which the Proceedings in Courts of King's Bench and Grand Sessions of the Peace, and Courts of Com- mon Pleas and Courts of Error in this Island, shall be regulated and governed.

CLXVI. AND be it further enacted by the Authority aforesaid, That all Fines and Forfeitures laid by this Act, and not before particularly applied, shall go to His Majesty, His Heirs and Successors, towards the publick Uses of this Island as aforesaid.



## C A P. XXXII.

*An Act for the good Order and Government of Slaves ; and for repealing an Act of this Island, intituled, An Act for the good Order and Government of Slaves, and for keeping them under proper Restraint ; for establishing the Method of Trial in capital Cases ; and other Regulations for the greater Security of that Part of the Inhabitants Property.*

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**W**HEREAS the Plantations and Estates in this Island cannot be fully managed and improved without the Labour and Service of great Numbers of Slaves ; and forasmuch as the Slaves brought into this Island for that Purpose are of a barbarous, wild, and savage Nature, and such as renders them wholly unfit to be governed by the Laws of *Great Britain*, it is therefore become absolutely necessary, that such other Laws should be in this Island framed and enacted for the preserving of good Order and Government among them, as may restrain the Disorders and Disturbances, to which they are naturally prone and inclined, and for keeping them under due Subordination and Subjection, as well as for granting them such Allowances and Encouragements as may be fit and needful for their Support, to the End that the Lives and Fortunes of His Majesty's Subjects in this Island may be preserved and secured, and the Peace and Happiness of the Colony thereby established ; for the more effectually accomplishing these good and necessary Purposes, be it enacted by Your Majesty's most dutiful and loyal Subjects the Governor in Chief of the Southern *Caribbee* Islands of *Grenada*, the *Grenadines*, *Saint Vincent*, and *Tobago*, and the Council and Assembly of this Your Majesty's Island of *Tobago*, and it is hereby enacted and ordained by the Authority of the same, That, from and after the Publication of this Act, any Slave who shall maim, wound, hurt, or strike, or who shall attempt to maim, wound, hurt, or strike, any White Person, under any Pretence whatsoever, unless in the lawful, immediate, and necessary Defence of his Owner and Employer's Person or Goods, shall suffer Death, Transportation, or other Punishment, at the Discretion of the Persons hereafter appointed to try and determine all capital Offences committed by Slaves in this Island ; and any Slave who shall personally insult, abuse, threaten, or in any other Manner contemptuously treat any White Person, shall be punished with a publick Whipping, at the Discretion of any One Justice of the Peace ; and if any Slave or Slaves shall compass, imagine, or contrive, the Death of any White Person, and be thereof convicted before the Persons hereafter appointed to try Slaves for capital Offences, every such Slave or Slaves shall suffer Death, Transportation, or any other Punishment, which the said Persons so appointed, or the major Part of them, shall think necessary for the publick Welfare and Safety, although the wicked Purposes of such Slave or Slaves be prevented before any Murder shall have been committed.

Any Slave maiming, &c. or attempting to maim, &c. a White Person, shall suffer Death, Transportation, or other Punishment.

Any Slave who shall insult, &c. a White Person shall be whipt :

Compassing the Death of a White Person shall suffer Death, Transportation, or other Punishment.

II. AND be it further enacted by the Authority aforesaid, That all Slaves and their Accessories guilty of Murder, Rapes, Maiming, or Wounding, any other Slave, or wilfully setting Fire to Canes, Works, Dwelling-

Any Slave murdering, maiming, &c. any other Slave ;

setting Fire to Canes, &c.



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giving Poison;  
running off the Island;  
stealing to the Value of  
6 Pounds;  
maiming or destroying  
Cattle;

shall suffer Death, or ar-  
bitrary Punishment.

Slaves absenting them-  
selves for a certain Time,  
shall suffer Death or ar-  
bitrary Punishment.

Proviso: The Slave must  
be a Year in the Island,  
or absent a certain Time.

Slaves of the Age of 16  
absenting themselves in  
Gangs, for a limited  
Time,

greatest Offenders shall  
suffer Death.

Any Slave knowing of a  
Runaway,

Dwelling-houses, Negro-houses, or other Buildings; or who shall be convicted of giving or attempting to give Poison, although the Poison shall not be taken, or Death do not ensue; and all Slaves running off or attempting to run off this Island, or inveigling others so to do; or who shall steal the Property of any Person or Persons whatsoever to the Value of Six Pounds Current Money; or who shall maliciously kill or attempt to kill by Poison, or otherwise maim or destroy, any Horse, Mule, Ass, Camel, or Horned Cattle, shall suffer Death as Felons, or such other Punishment as the Persons hereafter appointed to try Slaves for capital Offences shall think proper to inflict.

III. AND be it further enacted by the Authority aforesaid, That any Slave who hath been upon, or shall hereafter be upon, this Island for the Space of One Year, and shall absent or withdraw, or, being now run away, absent, or withdrawn from his or her Master, Owner, or Renter's Service, shall continue so absent or withdrawn for the Space of Six Weeks, or Forty-two Days, from the Day of the first Publication of this Act, or from the Time such Slave shall first absent, withdraw, or run away hereafter; or if any Slave or Slaves having been, or that shall be, upon this Island for the Space of One Year, shall absent, withdraw, or run away from his or her Master, Owner, or Renter's Service, at several Times within the Space of One Year, amounting in all to Two Months, (the Months to be computed at Twenty-eight Days each) all and every such Slave or Slaves shall be, and are hereby adjudged and declared to be, guilty of Felony, and shall suffer Death as Felons, or such other Punishment as the Persons appointed to try Slaves for capital Offences shall think proper.

IV. PROVIDED always, That any Slave who hath been, or may hereafter be, a less Time than One Year in this Island, shall not be liable to suffer the same Punishment, unless such Slave shall have been withdrawn, absent, or run away, at One Time for the Space of Two Months, to be computed as aforesaid, or at different Times within the Space of One Year shall have been Four Months withdrawn, absent, or run away, as aforesaid; any Thing hereafter to the contrary in any-wise notwithstanding.

V. AND whereas Slaves run away and absent themselves in Gangs from the Service of their Masters, Owners, or Renters, to the ruining and impoverishing of them, and to the Terror and Danger of the Inhabitants of this Island; be it therefore enacted by the Authority aforesaid, That if any Slave or Slaves, being of the Age of Sixteen Years or upwards, shall hereafter absent themselves, or run away in any Number or Gang, amounting to Ten or upwards, from any One Plantation to which such Slaves belong, and shall continue run away, or absent from their Duty as aforesaid, for Forty-eight Hours; or if any Slaves, not being under the Age of Sixteen Years as aforesaid, shall absent or run away at different Times from any One Plantation, or from different Plantations, and shall have been severally absent for the Space of Twenty-four Hours, or more, and shall afterwards associate together in any Number or Gang, amounting to Ten or upwards, and continue so associated for any Space of Time, be it ever so short, then One or more of the said Slaves, such as shall appear to be the greatest Offenders, shall suffer Death, or such other Punishment as the Persons appointed to try Slaves for capital Offences shall think proper.

VI. AND be it further enacted by the Authority aforesaid, That after any Slave is or shall be run away from his or her Master, Owner, or Renter's Service, every other Slave, knowing of such Runaway, who shall



shall entertain, harbour, receive, and conceal, or any otherways assist such Slave so run away, shall, upon Conviction thereof, suffer Death, or such other Punishment as the Persons appointed to try Slaves for capital Offences shall think proper; and if any White or Free Person or Persons, knowing any Slave to be run away from his or her Master, Owner, or Renter, shall entertain, harbour, receive, and conceal any such Slave, such Person, for the First Offence, shall forfeit Twenty Pounds Current Money of this Island; for the Second Offence, Fifty Pounds Current Money; and for the Third Offence, One hundred Pounds like Current Money; and shall be liable besides to be prosecuted, and pay to the Owner of such Slave at and after the Rate of Fifteen Shillings for each and every Day such Slave shall have been so run away, with full Costs of Suit; and if such White or Free Person or Persons cannot immediately pay the Fines hereby imposed for entertaining runaway Slaves, he, she, or they, shall be imprisoned in the Common Gaol of this Island in Lieu of Fines; for the First Offence Thirty Days, for the Second Offence Three Months, and for the Third Offence Six Months, unless the Person or Persons so offending shall redeem him, her, or themselves sooner, by paying the Fines, and all Costs and Fees due: Provided, That no Slave shall be punished by virtue of this Clause for harbouring, concealing, or entertaining, any runaway Slave, unless Prosecution for the same be commenced within One Month after the Discovery of the said Offence: Provided also, That no Negro or other Slave shall be punished by virtue of this Act for running away or absenting him or herself from the Service of his or her Owner or Employer, unless Prosecution for such Offence be commenced within Three Months after his or her being taken or returned to his or her Owner or Employer.

VII. AND be it hereby further enacted and ordained by the Authority aforesaid, That no Slave within this Island shall be permitted to have in his Custody, or carry a Musket, Fusil, Pistol, or any other Fire-arms, unless such Slave be in Pursuit of a run-away Slave or Slaves, under the Order and Direction of a White or Free Person duly authorised, or shall be attending upon his Master, or the Manager, or some other White Person employed on the Plantation to which such Slave shall belong, without a Ticket from the Owner or the Manager of such Plantation, dated the very Hour, as near as the same can be ascertained, that the said Fire-arm or Fire-arms is or are delivered to such Slave, and the Quantity of Powder, Ball, or Shot, if any be given him therewith; which Ticket shall require the Return of the Slave to whom it is given within Six Hours after the Date thereof, excepting Negroes watching Stores and Provision Ground, who shall be weekly furnished with a Ticket from their Master or Manager, expressing the Nature of their Arms, and that they are only furnished with Two Rounds of Powder and Ball; and if any Fire-arm or Fire-arms be found with any Slave after the Expiration of the Time limited in the Ticket for his Return, any Free Person, or any Slave who is not himself a Runaway, is hereby authorised to take the same away; and if the Person so taking be a Free Person, he is hereby authorised and allowed to keep and retain the same for his Use; and if a Slave, then the Owner of the Slave, so taking, is authorised and allowed to keep and retain the same for his Use; and any Slave who shall run away, or absent himself from the Service of his Owner, Renter, or Employer, having carried off with him any Piece of Fire-arms as aforesaid, or who having had a Ticket to carry any Piece of Fire-arms, shall absent himself for Twenty-four Hours after the Expiration of the Term therein

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harbouring and receiving, shall suffer Death, or arbitrary Punishment.

White or Free Person harbouring and receiving, shall forfeit

20 l. for First Offence,  
50 l. Second Offence,  
100 l. Third Offence.

If cannot pay Fines, to be imprisoned,

First Offence 30 Days;  
Second do. 3 Months;  
Third do. 6 Months.

Prosecution to be commenced within One Month after Offence of concealing, &c.

Prosecution for running away to be commenced within 3 Months after Return.

No Slave shall have in his Custody, or carry Fire-arms,

unless in Pursuit of Runaways, or under the Direction of a White Man;

without a Ticket from his Owner or Manager.

Any Runaway carrying off Fire-arms,



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shall suffer Death;  
if not absent for 24  
Hours, shall be whipt.

Any criminal Slave shall  
be apprehended by a  
Justice, and tried with-  
in 10 Days by Two Jus-  
tices and Three Free-  
holders,

limited for his Return, such Slave shall suffer Death, or such other Punishment as the Persons appointed to try Slaves for capital Offences shall think proper to inflict; and any Slave found with any Piece of Fire-arms after the Time limited for his Return, who shall not have been absent for Twenty-four Hours as aforesaid, such Slave shall be punished with Whipping, in such Manner as any One Justice of the Peace for the said Island shall think fit.

VIII. AND be it further enacted by the Authority aforesaid, That when any Crime herein before mentioned shall be committed, or attempted to be committed, by any Negro Slave or Slaves, the said Criminal or Criminals shall be apprehended and brought before any One of His Majesty's Justices of the Peace within this Island, who is hereby authorized to commit the said Slave to the Common Gaol, by virtue of his Warrant, directed to the Provost Marshal or his lawful Deputy; and the said Justice, or any other Justice, shall also, within the Space of Ten Days thereafter, associate to himself One other Justice of the Peace, and these Two shall, by their Warrant or Precept, summon to join them Three respectable Freeholders of the Place nearest where the Crimes were perpetrated, to whom the Justices shall administer the following Oath, viz.

Oath to be administered.

*YOU shall, to the best of your Judgement and Knowledge, impartially try the Prisoner or Prisoners before you, and Judgement give according to Evidence.*

Testimony of Slave  
against Slave to be ad-  
mitted;  
if found guilty, shall re-  
ceive Sentence of Death  
or other Punishment:

Justices to give Notice of  
the Sentence to the Com-  
mander in Chief.

Proviso: In case of an  
Insurrection, the Court  
to issue a Warrant to the  
Provost Marshal, &c.  
who shall execute the  
Sentence.

If Evidence not sufficient  
to condemn, shall receive  
corporal Punishment.

If Owner will not pay  
Damages, Criminal to  
be adjudged the Property  
of the Party.

And these Five Persons (the Freeholders being sworn as above mentioned) shall constitute, and are hereby declared to be a Court, with full Power to hear and examine all Evidences, Proofs, and Testimonies, (the Testimony of One Slave against another being always to be admitted); and if by positive or circumstantial Proof they shall find such Negro or other Slaves guilty thereof, they shall give Sentence of Death or other Punishment upon them accordingly; and in case Sentence of Death be passed upon any One or more Prisoners, then they shall forthwith issue their Warrant to the Provost Marshal, or his lawful Deputy, to cause Execution to be done on such Slave or Slaves, at such Time as they shall appoint, not being before the Fourth Day after Condemnation; and the said Justices are hereby required to give Notice of the Sentence so passed to the Commander in the Island for the Time being within Thirty-six Hours thereafter: Provided nevertheless, That in case of the Insurrection of Six or more Negroes, the Court is hereby authorized immediately to issue a Warrant, directed to the Provost Marshal or his lawful Deputy, or, in his Absence, to any Constable for that Purpose to be appointed for the instant Execution of the Judgement of the said Court, who shall immediately execute the same; and in case they do not find Evidence sufficient to condemn him or her to Death, but to receive corporal Punishment, they shall then enquire into the Damages sustained, and after the same shall be ascertained, the Criminal or Criminals shall be delivered to the Owner or Owners, upon his, her, or their paying the Amount of the Damages to the Party injured; but if such Owner or Owners refuse to pay the Amount of such Damages, it shall and may be lawful for the said Court to adjudge the said Criminal or Criminals to be the Property of the Party or Parties injured, his, her, or their Heirs for ever: Provided always, That the said Recompence shall be given in Evidence upon any Action that may be brought for the same Matter, and shall be held as a sufficient Bar thereto in any Court of Record in this Island.



IX. AND, that the Magistrates and Freeholders of this Island may not refuse or neglect, on Application made, to sit, hear, or determine Cases of Negroes, as they are by this Act directed to do, be it therefore enacted by the Authority aforesaid, That if any Justice of the Peace of this Island, upon Application to him made, or any Freeholder, after he shall be duly summoned, shall refuse or neglect immediately to take and use proper Measures for the Trial of any Slave or Slaves, and effectually to finish such Trial in Ten Days after required for any Felony or other Offences herein expressed, committed by or charged upon any Slave whatsoever, such Justice and Freeholder shall severally forfeit Twenty Pounds Current Money of this Island, to be recovered by Action of Debt in any of the Courts of Record; and One Half of such Penalty shall be paid to any Informer who shall sue for the same; and the Justices not making a Report of the Sentence, as above directed, shall severally forfeit Ten Pounds Current Money, to be recovered as above mentioned.

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If any Justice or Freeholder shall refuse or neglect to try any Slave, he shall forfeit 20*l*.

not reporting the Sentence, shall forfeit 10*l*.

X. AND whereas Slaves are so valuable a Part of the Property of the Inhabitants of this Island, and are so extremely necessary for the Cultivation and Improvement of their Lands, that every Attempt to steal or carry them off should be punished in the most exemplary Manner; be it, and it is hereby enacted and ordained by the Authority aforesaid, That any White or Free Person or Persons, who shall be, on the Oath of One or more creditable Witnesses, duly convicted at a Court of Oyer and Terminer or Grand Sessions, of carrying off, or attempting to carry off, from this Island, any Slave or Slaves, without a Licence or Permission from the Owner, or Persons having the Care and Charge of such Slave or Slaves, he, she, or they, shall be, and are hereby declared and adjudged to be, guilty of Felony, and shall suffer Death without Benefit of Clergy.

If any Free Person shall be convicted of carrying off, or attempting to carry off, any Slave, shall suffer Death.

XI. AND be it further enacted by the Authority aforesaid, That upon Information being given to any Justice of the Peace in this Island of the Return of any Slave or Slaves transported by Authority of any Court in this Island, he shall associate to himself any other Justice of the Peace, and they shall forthwith issue their Warrant to any Constable to bring such Slave or Slaves, and his or their Proprietor, or the Person who brought such Slave or Slaves back, before them; and if it shall appear to the Satisfaction of the said Justices, (who are hereby empowered to summon Witnesses) that the Proprietor or Person who brought back the Slave or Slaves he, she, or they, knew to have been transported from this Island, then the Slave or Slaves shall be forfeited, and the Two Justices are hereby required to issue their Warrant to the Provost Marshal, or his lawful Deputy, to take the said Slave or Slaves into Custody, and him, her, or them, within Ten Days to expose to public Sale, and the Money arising therefrom, after deducting Charges and the usual Fees, shall be paid in to the publick Treasurer of this Island for the publick Uses thereof: Provided always, That the Person purchasing such Slave or Slaves shall give Bond, under Penalty of Fifty Pounds, for each Slave, to transport such Slave or Slaves within One Calendar Month from the Day of Sale for ever from this Island.

If any Proprietor shall bring back any Slave whom he knew to be transported, such Slave shall be forfeited and sold for publick Uses:

Purchaser to give Bond to transport such Slave within One Month.

XII. AND be it further enacted by the Authority aforesaid, That no Slave whatever in this Island shall carry a Cutlass, or other sharp-edged or sharp-pointed Weapon, or a Stick with a Knot or Knots, or pointed with a Nail or Ferril, or any other offensive Weapon, except such Slaves be actually in Pursuit of a runaway Slave or Slaves, under the Order and Direction of a Free Person duly authorised for that Purpose, or shall be attending upon his Master or the Manager, or some other

No Slave shall carry a Cutlass, or offensive Weapon, except upon the Occasions mentioned in this Clause,



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without a Ticket from his Owner, under the Penalty of being whipped.

Any Slave convicted of Gaming, shall be whipped.

All Slaves found off their Owner's Plantation, without Permission in Writing, to be deemed Runaways;

any Person may apprehend, and carry them to their Owner:

Apprehender to receive a Dollar, if absent One Day; 30s. if absent more than Two Days; and 9d. per Mile.

If Owner not known, to be delivered to the Provost Marshal, who shall advertise them in the Gazette;

if no Gazette, then at Scarborough, George Town, and Plymouth, for 6 Weeks:

If Provost Marshal fail to do, shall forfeit 5l.

If Slave so advertised not claimed within 6 Weeks, to be sold by Outcry, and after deducting Charges, Price to be deposited in the Hands of the Treasurer of the Island to the Use of the Publick, until the Owner shall appear.

other White Person employed upon the Plantation to which such Slaves shall belong, or shall be upon a Message or Errand, or doing the necessary Business of the Plantation, without a Ticket from his Owner, or the Manager of such Plantation, under the Penalty of being publicly whipped, or otherwise punished, at the Discretion of any One Justice of the Peace.

XIII. AND be it enacted by the Authority aforesaid, That any Slave, who shall be convicted of Gaming, shall be publicly whipped, at the Discretion of any One Justice of the Peace.

XIV. AND it is hereby enacted by the Authority aforesaid, That all Slaves found off, from, or out of, their Owner's Plantation, without a Permission in Writing from his, her, or their Owner, Renter, or Employer, or some White Person residing on the same Plantation, shall be deemed Runaways; and it shall and may be lawful to and for any Person or Persons to apprehend or take up such Slave or Slaves; and the Person apprehending is hereby required to conduct, or cause to be conducted, within Forty-eight Hours thereafter, the Slave or Slaves so apprehended, to his, her, or their Owner, Renters, or Employers, or to the Plantation to which such Slave or Slaves belong, if such Owner, Renter, or Employer, or Plantation, be known to such Apprehender; and such Owner, Renter, or Employer, of such Slave or Slaves, or the Manager of the Plantation to which he, she, or they belong, shall pay the Apprehender One Dollar for each Slave so taken up, if such Slave shall have been absent from his or her Duty for Two Days, or a less Space of Time, and Thirty Shillings for each Slave so taken up, if such Slave shall have been absent more than Two Days; and Nine Pence *per* Mile for each Slave for every Mile he, she, or they, shall be so conveyed; and if such Owner, Renter, or Employer, or the Plantation or Plantations to which such Slave or Slaves belong, shall not be known, then he, she, or they, shall be delivered to the Provost Marshal, or his lawful Deputy, who is hereby required to pay the Apprehender of the said Slave or Slaves the Reward, and the Mile-money before mentioned; and the said Provost Marshal, or his lawful Deputy, is to keep the said Slave or Slaves in safe Custody, and shall advertise him, her, or them, in the publick Gazette of this Island; but if no publick Gazette, then at *Scarborough, George Town, and Plymouth*, in this Island, for Six Weeks, describing, as near as may be, the Name, Age, Size, Complexion, or any other external Mark, whereby he, she, or they, may be more readily known, together with the Country of the said Slave or Slaves, if the Knowledge thereof can be obtained; and shall also, in a List on the Door of his Office, insert the Names, Age, Size, Complexion, external Mark or Country, as above expressed; and in case the Provost Marshal, or his lawful Deputy, fail in performing the several Matters in this Clause required, he shall forfeit and pay the Sum of Five Pounds Current Money of this Island to the Person injured through his Neglect or Refusal, to be recovered before One Justice of the Peace in the Manner hereafter expressed; and if the said Slave or Slaves, thus advertised, are not claimed within Six Weeks from and after the Day in which he, she, or they were delivered into the Hands of the said Provost Marshal or his lawful Deputy, then it shall be lawful for the said Provost Marshal, or his lawful Deputy, and he is hereby impowered and required, to sell the said Slave or Slaves at publick Outcry, between the Hours of Ten and Twelve Mid-day; and the Money arising from such Sale, after deducting the several Charges and the Gaol-fees, shall be deposited in the Hands of the Treasurer of this Island for the Time being, to remain to the Use of the Publick until the



the Owners shall appear ; and the Provost Marshal is hereby obliged, Once a Year, to render in an Account upon Oath, and pay in to the said publick Treasurer for the Time being, all Monies in his Hands arising from the Sale of runaway Negroes ; and whatsoever Slave or Slaves take up any Runaways, he, she, or they, shall have the Benefit thereof ; and if any Person shall deprive any such Slave of any such Benefit, he, she, or they, shall forfeit treble the Value.

XV. AND be it further enacted by the Authority aforesaid, That no Person whatsoever, except the Provost Marshal at the Gaol of *Scarborough*, shall keep any runaway Slaves or Slave above Ten Days ; nor shall the Provost Marshal, or any other Person whatsoever, employ any of them, or suffer him, her, or them, in Custody, to want convenient Food, Water, and Lodging, on Penalty of Fifty Pounds Currency for every such Offence, to be recovered by the Owner ; and if the Provost Marshal, or any other Person, shall suffer such Slave to die in his or their Custody for Want of Food and Water, or dry or convenient Lodging, the Provost Marshal, or any other Person in whose Custody such Slave was, shall forfeit to the Owner or Owners double the Value of the Negroe so dying for such Slave or Slaves, to be recovered by Action of Debt in any Court of Record within this Island : And the Provost Marshal is impowered, in case any Slave committed to his Custody should be dangerously ill, to call in a Surgeon to the Assistance of the Slave, whose Bill the Owner is to pay, if claimed, or the Provost Marshal to deduct out of the Value, if sold ; and the Provost Marshal may require of the Person claiming such Slave to make Oath to the Property of such Slave, or to give sufficient Security for the Value of such Slave, that he or she is the Property of the Person for whom he or she is claimed ; and it shall be lawful for the Marshal to detain and keep in Custody the Body of such Runaways so brought unto him, until the Owners of them, or their Assigns, shall pay unto him what he so paid to them who took them up, with Two Shillings and Sixpence *per* Pound for laying out the Money, and so proportionally for a greater or lesser Sum, and also One Shilling and Sixpence for every Four-and-twenty Hours the said Slave or Slaves hath been in Custody ; and if the said Provost Marshal shall willingly or negligently suffer any Slave or Slaves to escape, or by any Ways or Means, through his Negligence, or the Neglect of any Person or Persons employed by him, to be out of his Custody before he, she, or they, shall be duly delivered to the Owner, his, her, or their Assigns, then the Marshal shall forfeit to the Owner the Value of every Slave so escaping, employed, or being out of their Custody as aforesaid, to be recovered as aforesaid. Provided always, That when such Negroe is taken, he or she shall be returned to his or her Owner, who shall return the Value paid him by the Marshal as aforesaid ; and if the Provost Marshal or his Deputy, or any other Person under them on their Behalf, shall at any Time presume to dispose of any Slave or Slaves, not having been Six Weeks in his or their Custody, or in any other Place, Manner, or Times, than by publick Outcry, between the Hours of Ten and Twelve Mid-day, at the Town of *Scarborough*, he shall forfeit the Value of the Negroe sold, to be recovered as aforesaid : Provided always, any Actions, as directed in this Clause, be brought within Twelve Months after the Offence committed.

XVI. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person to destroy any Plantation deserted for the Space of Six Months, lest it become a Receptacle for Fugitives ; and the Justices in Sessions, upon Complaint made, whereby it shall appear to them that any such deserted Plantation doth remain

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Provost Marshal to render an Account upon Oath.

Any Slave taking up a Runaway, shall have the Benefit of it ; any Person depriving Slave of such Benefit, to forfeit treble the Value.

No Person, except Provost Marshal, shall keep Runaways above 10 Days ;

nor shall he or any other Person employ them, nor suffer those in Custody to want proper Food, &c. under the Penalty of 50 *l.*

and if any of them shall die for want of Food, &c. the Provost Marshal to forfeit double the Value to the Owner.

A Surgeon to be called to the Slaves dangerously ill, to be paid by the Owner.

Persons claiming Slaves, to swear to the Property.

Marshal to detain Runaways till paid for taking them up, with 2 *s.* 6 *d.* *per* Pound for laying out the Money, and 1 *s.* 6 *d.* for every 24 Hours the Slave hath been in Custody.

Marshal to forfeit to the Owner the Value of the Slaves allowed to escape.

Marshal disposing Slaves not having been 6 Weeks in Custody, to forfeit the Value.

Slaves to be sold by publick Outcry at *Scarborough*, between the Hours of 10 and 12.

Any Person may destroy Plantations deserted for 6 Months.



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Owners of Plantations to have One Acre of Ground in Provisions for every 5 Slaves, under the Penalty of 10/ for every Acre wanting.

Justices at the Quarter Sessions in January and July to direct Two Freeholders to inspect the Provision Ground, and to report upon Oath the Sufficiency or Insufficiency thereof.

The Justices, upon Report of the Ground being insufficient, to issue a Precept to a Constable to summon the Proprietor to appear at the next Quarter Sessions, to shew Cause why the Penalty of 10/ should not be levied; and failing to appear, or appearing not shewing sufficient Cause of Excuse, the Penalty to be adjudged to the Treasurer for the publick Uses of the Island, to be levied on the Goods of such Proprietor.

Proprietors of Plantations, not cleared 2 Years, neglecting to feed their Negroes properly, to forfeit 10s. for every Slave on the Plantation, to the Use of His Majesty.

undestroyed, to the Encouragement and Maintenance of runaway Slaves, they are hereby empowered to issue out their Warrant to the Commissioners of the Highways in that Parish for the destroying the Provisions on the said Plantation, who are hereby required and empowered to cause the same to be done, upon the same Account and in the same Manner as if it were upon the repairing the Highways, which shall be allowed in the Way-warden's Account of Labour expended on the publick Roads.

XVII. AND that Slaves may have no Pretence for absenting themselves from the Service of their Owners or Renters from the Scarcity of Provisions in the respective Plantations, be it, and it is hereby enacted and ordained by the Authority aforesaid, That all Masters and Owners of Plantations, which are already settled, or which shall be hereafter settled, or whereof any Part has been or shall hereafter be cleared for Two Years, are hereby required to have at all Times One Acre of Ground, well planted with Provisions, for every Five Slaves he, she, or they have, in his, her, or their Plantations, under the Penalty of Ten Pounds for every Acre wanting; and the Justices of the Peace, in their Quarter Sessions, held respectively in the Months of *January* and *July*, shall issue their Order, directed to Two of the Inhabitants, being Freeholders, in each and every Parish, to inspect the Provision-ground of the Plantations in the Parish, and to report upon Oath their Opinion of the Sufficiency or Insufficiency of the Ground, or other Provisions of the said Plantations, for the Support and Maintenance of the Slaves belonging thereto; and the several Persons to whom the said Order shall be directed, are hereby authorized and required to enter upon the said Plantations respectively, and to examine the said Provision-ground, and the other Provisions on the said Plantations, within Forty Days, and to make a Return upon Oath on the said Order to any neighbouring Justice of the Peace, with their Opinion of the Sufficiency or Insufficiency of the said Ground, and other Provisions, for the Support and Maintenance of the Slaves belonging to each Plantation respectively; and if it shall upon such Return appear to the Justices, that such Ground or other Provisions are insufficient for the Support and Maintenance of the Slaves belonging to any settled Plantation, or to any Plantations whereof any Part shall have been cleared for Two Years, then the said Justice, to whom the said Return shall be made, shall immediately issue a Precept, under his Hand and Seal, directed to any Constable of this Island, requiring him to summon the Proprietor or Renter of such Plantation, or their or either of their Attornies; if none such on the Island, then the Manager to appear at the next Court of Quarter Sessions, to shew Cause why the said Penalty of Ten Pounds should not be levied; and if such Proprietor, Renter, Attorney, or Manager, upon being duly summoned Ten Days before the Meeting of the Sessions, do not appear, or appearing do not shew sufficient Cause of Excuse, the Justices in Sessions are hereby empowered to adjudge the Owner or Renter of such Plantation to pay the Penalty aforesaid to the Treasurer, for the publick Uses of the Island; and by Warrant, in the Nature of an Execution, under the Hand of the Chairman, directed to the Provost Marshal or his lawful Deputy, to cause the same to be forthwith levied on the Goods and Chattels or Slaves of such Proprietor or Renter; and in case any Owner or Renter of a Plantation, whereof no Part shall have been cleared for the Space of Two Years, shall fail to feed, maintain, and support his, her, or their Negroes properly, then such Justice shall issue his Warrant, directed to any Constable, to summon the Owner, Renter, or Manager, Overseer, Book-keeper, or other free Servant employed thereon,



thereon, or as many of them as may be necessary, before the next Quarter Sessions, to be held respectively in the Months of *April* or *October* following; and the said Justices, in their Quarter Sessions, shall, on Oath, examine them how the Slaves have been fed; and if it shall appear to the said Justices that the Slaves have not been properly fed and maintained, owing to the Default or Neglect of the Proprietor or Renter, such Owner or Renter shall forfeit Ten Shillings Currency for each and every Slave on the Plantation of such Owner or Renter, to the Use of His Majesty, to be paid into the Hands of the Treasurer for the publick Uses of the Island, to be levied in Manner aforesaid.

XVIII. AND be it further enacted by the Authority aforesaid, That all Slaves shall have good and sufficient Clothing Once in every Year, or on or before the Twenty-fifth Day of *December*, under the Penalty of Thirty Shillings for every Slave really wanting Clothes, to be recovered before any Justice of the Peace upon the Evidence of any White Person, One Half to the Informer, and the other Half to purchase Clothes for the Slave so wanting.

XIX. AND be it further enacted by the Authority aforesaid, That if any Person shall willingly or wickedly kill a Negroe or Slave, he, she, or they, so offending, being thereof convicted by Verdict or Confession, shall be adjudged guilty of Murder, and the Offender suffer Death for the said Crime according to the Laws of *England*, Forfeiture of Lands and Tenements, Goods and Chattels, only excepted; and in case any Slave or Slaves shall be thought by his, her, or their Master or Mistress, Owner, or Renter, or by the Chief Manager, or other Person having the Care and Direction of any Slave or Slaves, deserving Punishment, it shall be lawful to chain such Slave or Slaves, and punish him, her, or them, by a moderate Whipping, or some other moderate Correction suitable to the Fault; but it shall not be lawful for any Person or Persons whatsoever to torture or mutilate Slaves, or punish them with Cruelty; and every Person offending herein may be punished with Fine and Imprisonment, in any Court of Oyer and Terminer, or other Court of Criminal Jurisdiction in this Island: Provided nevertheless, That if any Person shall kill a Slave stealing or running away, that shall by Night be found out of his Owner's Ground, Road, or Path, and refuse to submit, such Person shall not be liable to any Damage, Prosecution, or Action, for the same; any Law, Custom, or Usage, to the contrary notwithstanding.

XX. AND be it further enacted by the Authority aforesaid, That when any Slave shall be put to Death for running away, or for any other Felony whatsoever, the Person or Persons owning and entitled to such Slave shall receive out of the publick Treasury of this Island the Value of such Slave so put to Death, to be settled upon Oath by the Freeholders who shall have sat upon his or her Trial, to be sworn before some Justice of the Peace of this Island; and such Oath and Value to be certified by the Justice of Peace before whom taken under his Hand and Seal, so as the same doth not exceed Fifty Pounds Current Money of this Island.

XXI. AND be it, and it is hereby enacted by the Authority aforesaid, That where One Slave shall murder another, the Price paid by the Publick on executing the Murderer shall be equally divided between the Owner of the Offender and the Owner of the Slave slain; any Thing herein to the contrary hereof notwithstanding.

XXII. AND be it further enacted by the Authority aforesaid, That for all capital Offences whatsoever committed by Slaves after the passing of this Act, it shall and may be lawful for the Justices and Freeholders, before

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Slaves to have Clothing Once a Year, under the Penalty of 30s. for every Slave unclothed.

Persons wickedly killing Negroes to be adjudged guilty of Murder, and suffer Death according to the Laws of *England*, Forfeiture of Lands and Chattels only excepted.

Slaves deserving Punishment may be chained and moderately whipped; but not to be tortured, mutilated, or punished with Cruelty.

Persons killing Slaves stealing or running away, and by Night out of their Owner's Ground, and refusing to submit, shall not be liable to Fine or Prosecution.

Slaves killed running away, &c. to be paid for out of the publick Treasury.

One Slave killing another, the Price paid by the Publick on executing the Murderer to be equally divided between the Owners of the Murderer and murdered.

Slaves committing capital Offences shall suffer Death, or such other Punishment as the Justices and Freeholders shall think fit.



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When only One, or less than the Whole of the Criminals shall suffer Death, the rest to be returned to the Owners, after receiving corporal Punishment; the Owners of the Slaves so returned shall bear a proportional Share of the Loss of the Slaves put to Death; and the Owners of those put to Death and returned to pay proportionally the Damage done by the Criminals, not exceeding the Value of the Slaves executed.

Owners concealing Negroes guilty of Felony, (running away excepted) and neglecting to prosecute for 6 Weeks after Notice of the Crime, shall be debarred from receiving any Consideration for the Slave so convicted; and the Price allowed by the Publick shall be paid to the Informer.

Any Person sending off the Island any Slave belonging to him who hath killed another Slave, shall pay the Price of the Slave killed.

Any Free Person who shall sell or give to a Slave Fire-arms, to forfeit a Sum not exceeding 50 l. for each Offence; and refusing to pay, to be levied on his Goods:

The Goods so to be levied on to be sold by Outcry.

before whom such Negroe or other Slaves shall be tried, to adjudge such and so many of the said Slaves that shall be convicted before them to Death as the said Justices and Freeholders shall think proper for the publick Safety, or to order such Negroe or other Slaves as they shall think proper to be transported at the Expence of the Owner or Owners of such Slave or Slaves, or inflict such other Punishment as they in their Discretion shall think fit; and that when only One, or less than the whole of the Criminals, shall suffer Death, as exemplary to others, the rest shall be returned to the Owner or Owners, after having received such corporal Punishment as the said Freeholder or Freeholders shall think fit to inflict; which Owner or Owners of the Slave or Slaves so delivered back, shall bear proportionally the Loss of the Slave or Slaves so put to Death; and the Owner of the Slave or Slaves so put to Death, with the Owner or Owners of the Slave or Slaves not executed, shall pay proportionally the Damage done by the said Criminals to the Party or Parties injured as shall be allowed them by the Justices and Freeholders as aforesaid, not exceeding the Value of the Slave executed.

XXIII. AND be it further enacted by the Authority aforesaid, That if any Slave shall commit Felony, (running away excepted) and the same be made known to the Master, Mistress, Owner, or Renter, of such Slave, and such Master, Mistress, Owner, or Renter, of such Slave, being on this Island, shall conceal such Crime, and shall neglect to prosecute such Slave for the Space of Six Weeks next after the Crime shall be made known to him, her, or them, as aforesaid, and the Slave being in his Master's, Mistress's, Owner's, or Renter's Service, Custody or Power, as aforesaid, after such Crime committed, that then and in such Case, if any other Person or Persons shall prosecute such Slave, and the Slave be thereof lawfully convicted, the Owner or Renter of such Slave shall be, and is, and are, hereby debarred from having or receiving from the publick Treasury of this Island any Sum or Sums of Money, or other Consideration, for the Slave so convicted; and the Price, which should otherwise be paid for such Negroes by the Publick, shall be paid to the Informer out of the publick Treasury; any former Law or any Thing herein contained to the contrary notwithstanding: Provided such Information and Prosecution be given and begin within Thirty Days after the said Six Weeks.

XXIV. AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall hereafter send off, or cause to be sent off, this Island, any Negroe or other Slave belonging to him, her, or them, who hath killed, or shall kill, another Negroe or Negroes, Slave or Slaves, he, she, or they, shall pay unto the Owner of such Slave, so killed as aforesaid, the Value of the Slave so killed; to be recovered by the Owner of the Slave killed from the Person sending the Murderer off the Island in any Court of Record in this Island.

XXV. AND be it, and it is hereby enacted and ordained by the Authority aforesaid, That any Free Person whatsoever who shall hereafter sell, barter, or give, to a Slave any Fire-arm, Cutlass, or other offensive Weapon, he, she, or they, shall forfeit a Sum, not exceeding Fifty Pounds, for each Offence, to be recovered before any Two Justices of the Peace; which Justices are hereby authorised to hear and examine into the Merits of the same; and, upon Neglect or Refusal to pay the said Forfeiture, they are hereby required and directed to issue their Warrants, under their Hands and Seals, in Nature of an Execution, directed to the Provost Marshal of the said Island, to levy the same on the Goods and Chattels of the Offender; and the Goods and Chattels so levied upon, the Provost Marshal is hereby authorised and required to sell at publick



publick Outcry, between the Hours of Ten and Twelve Mid-day, first giving Ten Days Notice in the most publick Manner, if the said Forfeiture, with the Charges of levying, and the Expences of removing and maintaining the said Chattels, (if living Creatures) be not paid at or before the Time appointed for Sale; and it shall and may be lawful for the Provost Marshal to retain to his own Use, out of the Monies arising from such Sale, at and after the Rate of Five Pounds for One hundred Pounds upon the Amount of the Forfeiture incurred, and also all such reasonable Expences as he may have been at or paid for removing the Goods and maintaining the Chattels, if any of them be living Creatures; and after deducting the said Forfeitures, and the Charges aforesaid, the Overplus, if any, shall be returned to the Defendant: And the said Provost Marshal is further required to levy, as nearly as possible, on Goods and Chattels, sufficient to satisfy the Forfeitures and Charges, and no more; and if the Party offending shall not have Goods and Chattels sufficient to satisfy the same, then the Provost Marshal is required to attach the Body of the said Offender, and him in the Common Gaol or other publick Place of Confinement in safe Custody to keep, until he shall satisfy and pay the same.

XXVI. AND whereas great Abuses and dangerous Riots and Disturbances have resulted in other Islands and Countries from the Practice of selling spirituous and other Liquors to Slaves, to the great Injury of their Healths, and the utter Destruction of all Order and Discipline among them; for the Remedy whereof, and Prevention of the same, be it, and it is hereby further enacted and ordained by the Authority aforesaid, That if any Free Person whatsoever shall sell, give, or barter, Rum, or any other spirituous or fermented Liquors, to or with any Slave, without a Permission in Writing from the Owner or Employer of such Slave, he or she shall forfeit a Sum not less than Ten, nor exceeding Fifty Pounds Current Money of this Island; to be recovered before any One Justice of the Peace, on Conviction thereof, by any One sufficient Evidence, One Half to the Use of the Informer, and the other Half to be paid into the publick Treasury of this Island for the publick Uses thereof.

XXVII. AND whereas great Mischief may arise from a Number of Negroes belonging to different Plantations assembling together, be it, and it is hereby further enacted and ordained by the Authority aforesaid, That if any Owner or Renter, Manager or Overseer, or other White Person having the Charge and Direction of a Plantation in this Island, shall permit any Slave or Slaves belonging thereto to beat any Drum or Drums, empty Casks or Boxes, or great Gourds, or to blow Horns, Shells, or other loud Instruments, upon such Plantations, or allow Slaves belonging to other Persons or Plantations to assemble and mix with their own for that or any other bad Purpose, such Person shall forfeit the Sum of Ten Pounds, to be recovered before any One Justice of the Peace.

XXVIII. AND be it, and it is hereby enacted by the Authority aforesaid, That all Owners, Renters, or Employers of Slaves, or Managers, or Overseers, or other Persons having the Charge and Direction of any Plantation or Slaves in this Island, shall, some Time in the first Week in the Months of *January, April, July, and October*, in each and every Year, give in upon Oath to some Justice of the Peace of the Parish he or she lives in, (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) a List of their runaway Slaves, mentioning their Names, Sizes, Ages, and describing them by such external Marks as they shall be acquainted with, and the Time

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or

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Marshal to retain 5 per Cent. on the Monies forfeited, with all Expences,

And for want of Distress, the Body of the Party offending to be attached, and committed to Gaol, till the same shall be paid.

Any Free Person selling spirituous Liquors to any Slave without Permission of the Owner, to forfeit a Sum not less than 10*l.* nor exceeding 50*l.* One Half to the Informer, and the other to the publick Uses of the Island,

Proprietors permitting Slaves to beat Drums, or assemble for bad Purposes, to forfeit 10*l.*

Proprietors, in the first Week of *January, April, July, and October*, in every Year, to give in upon Oath a List of the Names and Descriptions of their runaway Slaves, under the Penalty of 5*l.* for each Neglect:



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The Justices to return such Lists within 14 Days to the Register's Office, to be entered in a Book to be kept for that Purpose by the Register, who shall be entitled to 9d. per Head for each runaway Negro so entered, to be paid out of the publick Treasury.

No Person to permit Slaves to hire out themselves, nor shall hire any Slaves but from their Masters, under the Penalty of 10/.

Mulattoes hawking any Goods shall forfeit them, and be further punished as the Magistrates shall think fit:

Provido: That the same shall not prohibit the selling of Provisions, &c.

Justices to do their Duty when Martial Law shall be in Force.

Justices at their Sessions in October in every Year to limit the Number of Holidays to be given to Slaves at Christmas.

The Provost Marshal, his Deputy, or Constables, refusing to do their Duty, to forfeit 20/ for each Offence.

or Times when such Slaves absented themselves, under the Penalty and Forfeiture of Five Pounds for each Neglect so to do; which Forfeiture shall be recovered before any One Justice of the Peace for this Island, and the Payment thereof enforced in the Manner herein-before directed: And the Justices are hereby required to return such Lists within Fourteen Days into the Register's Office, and the Register is required to enter the same in a Book, to be by him kept for that Purpose only; and that for his Trouble, he shall be entitled to receive Nine Pence *per* Head for each run-away Negroe, so entered, out of the publick Treasury of this Island, to be paid at each Time the said Lists shall be returned into the Office.

XXIX. AND be it further enacted by the Authority aforesaid, That no Person whatsoever shall permit or give Leave to any Slave or Slaves of their own, or under their Care, to hire out themselves; or if any Person whatsoever shall hire any Slave or Slaves in any other Way than of their Masters, Mistresses, or other Person impowered to let the said Slave or Slaves to hire, or permit them to travel about the Country; or if any Owner or Owners shall contract with his, her, or their Slave or Slaves, for any Sum of Money or other Consideration whatsoever, to give Liberty to the said Slave or Slaves to employ themselves as they shall think fit, paying such Sum of Money or other Consideration, he, she, or they, shall forfeit the Sum of Ten Pounds.

XXX. AND whereas divers Mulattoes, *Indians*, and Negroes, have of late been frequently employed in hawking and selling from Place to Place all Manner of Goods, Wares, and Merchandizes, which are commonly used and sold in this Island; which Practice tends to the manifest Prejudice of Trade, and to many other dangerous Consequences; be it therefore enacted by the Authority aforesaid, That no Mulattoe, *Indian*, or Negroe whatsoever, shall hawk or carry about to sell from Place to Place, or shall sell in any open Street or Market, any Sort or Sorts of Goods, Wares, or Merchandizes, or any Sort of Produce, such as Rum, Sugar, Cotton, Ginger, Coffee, Cocoa, or any other Product whatsoever, on Penalty of Forfeiture of all and every such Goods, Wares, and Merchandizes, or Produce, as shall be so hawked or carried, or exposed to be sold or disposed of, and the further Pain of such corporal Punishment as any Magistrate in his Discretion shall think fit to appoint: Provided always, That nothing herein contained shall extend to, or be deemed or taken to extend to prevent the carrying about, selling, and disposing of, all and all Manner of Provisions, Fruits, Fresh Fish, Milk, Poultry, and other small Stock of all Kinds; but that the same may be carried about, sold, and disposed of, as formerly, provided the Slave or Slaves hath or have a Ticket from their Master, Owner, or Overseer, to authorize the same.

XXXI. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Justice or Justices, and Freeholders aforesaid, in the several Clauses in this Act mentioned, to do their several and respective Duties, when Martial Law shall happen to be in Force; any Law, Custom, or Usage to the contrary notwithstanding.

XXXII. AND be it, and it is hereby further enacted by the Authority aforesaid, That the Justices of this Island, at their Sessions in *October* in every Year, shall limit and appoint the Number of Holidays that shall be given to Slaves at *Christmas*.

XXXIII. AND be it enacted by the Authority aforesaid, That if any Provost Marshal, or his lawful Deputy, or any Constable, shall refuse or neglect to do their respective Duties pursuant to this Act, he or they shall each forfeit Twenty Pounds Current Money of this Island, for each Offence,



Offence, to His Majesty, His Heirs and Successors, for the publick Uses of this Island.

XXXIV. AND be it further enacted by the Authority aforesaid, That all Penalties mentioned in this Act, and not declared where they shall be recovered, or how disposed of, not exceeding Ten Pounds, shall be recovered by Warrant from any Justice of the Peace; and all Penalties exceeding Ten Pounds shall be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Island; One Moiety or Half-part of all such Forfeitures shall be to our Sovereign Lord the King, His Heirs and Successors, for and towards the publick Uses of this Island, and the contingent Charges thereof; and the other Moiety or Half-part to the Informer, or him or them that shall sue for the same.

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Cap. 32.  
Penalties how to be applied.

XXXV. AND it is hereby further enacted by the Authority aforesaid, That all Actions or Prosecutions for the Recovery of Fines, Forfeitures, or Penalties, incurred by virtue of this Act, be brought within Twelve Months after the Cause of Action or Prosecution shall arise.

Limitation of Actions.

XXXVI. AND it is hereby further enacted and ordained by the Authority aforesaid, That in every Action, Suit, Indictment, Information, or Prosecution, wherein any Person shall be sued or prosecuted for doing any Thing by virtue of this Act, the Person or Persons so sued or prosecuted may plead the General Issue, and give this Act in Evidence in any Court within this Island; and if there be a Verdict for such Party prosecuted, the Prosecutor shall pay Treble Costs: And this Act shall be deemed a Publick Act; and all Judges, Justices, and Juries, are hereby required to take Notice thereof accordingly.

General Issue.

XXXVII. AND be it further enacted by the Authority aforesaid, That an Act of this Island, made and passed in the Eighth Year of His Majesty's Reign, intituled, *An Act for the good Order and Government of Slaves, and for keeping them under proper Restraint; for establishing the Method of Trial in capital Cases; and other Regulations for the greater Security of that Part of the Inhabitants Property*; be, and it is hereby repealed.

An Act of the 8 Geo. 3. for the good Government of Slaves, &c. repealed.

XXXVIII. AND be it enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not be in Force or Effect until His Majesty shall have signified his Pleasure concerning the same.

Not to be in Force till His Majesty's Pleasure is signified.



# C A P. XXXIII.

*An Act for establishing a Court of Chancery in this Island.*

Cap. 33.  
Passed in 1775.

WHEREAS the Want of a Court of Chancery in this Island occasions infinite Prejudice to the Inhabitants thereof, by the Delay of Publick Justice, the Difficulty, and in many Cases the Impossibility of obtaining that Redress in Equity, to which the Subject is intitled, in Time to stay the Proceedings of the Common Law, together with the enormous Expence which must attend all those who are Suitors therein, to the Exclusion of many, and Oppression of all: And whereas it is greatly inconvenient to the Inhabitants of this Island

Preamble.



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Cap. 33.

A Court of Chancery  
established,

to conform to the Prac-  
tice of the Court of  
Chancery in *England*.

Oath to be taken.

To be held at *Scarborough*  
Four Times in the Year.

Island to be obliged to carry their Title Deeds and other Writings cross the Seas to the Seat of Government, to and from which, by the peculiar Situation of this Island, (surrounded by strong and variable Currents) the Navigation is rendered extremely precarious, always tedious, and in Time of War dangerous: And whereas the Cost of maintaining themselves in a distant Island, the Loss of their Time so essential to the Cultivation of their Plantations, and their Absence from this Infant Colony, where the Residence of the Planter is of so great Consequence, are Evils which are insupportable to its Inhabitants, which frequently force them to abandon the most equitable Claims, and which greatly retard the Settlement of this Colony: And whereas Your Majesty was most graciously pleased to give express Leave to the Legislature of this Colony, by a Message delivered to the Council and Assembly thereof, on the Thirteenth Day of *July*, in the Year One thousand seven hundred and sixty-nine, by *Ulysses Fitzmaurice*, Esquire, then Commander in Chief in this Government, to pass an Act for the Establishment of a Court of Chancery in this Island; be it therefore, and it is hereby enacted by Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander in Chief of Your Majesty's Southern *Caribbee* Islands, and the Council and Assembly of this Your Majesty's Island of *Tobago*, and by the Authority of the same, That, from and after the Publication of this Act, a Court of Chancery be, and is hereby established to be holden, by his Excellency the Captain General, when upon this Island, and Four or more Members of Your Majesty's Council; provided no One of the said Counsellors be Party to any Cause that may come before the said Court; but in case there be not Four Members not Parties upon the Island, then the same to be holden by the said Captain General, and any Two or more Members thereof: And in case there be no Captain General, then by the Commander in Chief for the Time being, whilst upon the Island; and in case of his Absence, then by the Lieutenant Governor thereof; but if he shall be likewise absent, then by the President of the Council for the Time being; and the said Court, consisting of the said Person commanding in the Island for the Time being, and Two or more Members of Your Majesty's Council as aforesaid, shall in all Cases conform itself to the Rules, Proceedings, and Practice, of the Court of Chancery in *England*; and all Writs whatsoever, issuing out of the said Court, shall bear Test in the Name of Your Majesty, Your Heirs and Successors: Provided always, That no Person shall be deemed qualified to sit as a Member of the said Court of Chancery by virtue of this Act, until he shall have taken in the said Court the following Oath:

*I A. B. do swear, That I will well and faithfully execute the Office of a Member of the Court of Chancery in this Island, without Partiality, Favour, or Affection to any; and that I will administer equal Justice to all the Suitors in the said Court according to the best of my Skill and Knowledge in the Laws of Great Britain, and of this Colony.*

*So help me God.*

II. AND be it, and it is hereby enacted by the Authority aforesaid, That the said Court shall be holden at the Court House in the Town of *Scarborough*, at least Four Times in each and every Year; that is to say, on the Third *Monday* in the Months of *January*, *April*, *July*, and *October*; and shall continue then and there to sit, or shall adjourn from Time to Time, so long as to the said Court shall seem requisite for the Dispatch of Business. And that in case of the Absence of a sufficient



cient Number of Members to make a Court, the Person commanding in the Island for the Time being shall and may adjourn the same to such other Day or Time as shall to him seem requisite for the Dispatch of Business: Provided always, That all the Members of the said Council, who are actually resident upon the Island, shall have Six Days Notice given them by the Provost Marshal, or his lawful Deputy, the Day of Service included, of the respective Time or Times to which the said Court shall be adjourned; Proof of which Service shall be made in open Court, by the Oath of the Person who served the same.

1775.  
Cap. 33.  
For Want of Members  
may adjourn.  
Members to be served  
with Six Days Notice:

Proof of Service by Oath.

III. AND whereas it is necessary that a Seal should be affixed to all Writs issuing out of the said Court, in order to render the same legal, and to compel Obedience thereto; and whereas the Great Seal of this Government cannot be affixed to such Writs, the same being constantly in the Custody of the Captain General or Commander in Chief at the Seat of Government, without rendering the wise and wholesome Provision of this Law entirely vain and nugatory, by compelling the Suitors in the Court of Chancery, hereby established, to repair from this Island to the Seat of Government, in order to procure the said Great Seal to be put to such Writs; be it therefore, and it is hereby enacted by the Authority aforesaid, That a Seal, stamped with the Royal Crown, and TOBAGO in *Roman* Characters under it, shall be provided for the said Court as the Seal thereof, and shall be deposited with, and be constantly kept by, the Register of the said Court, and appended to all Writs issuing out of the said Court, and used in all Cases where a Seal shall be necessary.

A Seal to be provided,

and appended to all  
Writs.

IV. AND whereas Your Majesty, with Your special Permission to pass this Act, did command, That a suspending Clause should be herein inserted, to prevent its being carried into Execution until it shall have been revised by Your Majesty in Council; be it therefore hereby enacted by the Authority aforesaid, That the holding of the Court of Chancery established by this Act, and all Proceedings in the said Court, shall be suspended until Your Majesty's Pleasure shall be known.

Execution of this Act  
suspended till His Ma-  
jesty's Pleasure is known.

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[L. S.] *At the Court at St. James's, the 12th Day  
of July, 1776.*

P R E S E N T,

The KING's most Excellent MAJESTY,

Archbishop of CANTERBURY,	Viscount FALMOUTH,
Lord PRESIDENT,	Lord AMHERST,
Earl of JERSEY,	Sir EARDLEY WILMOT,
Lord GEORGE GERMAIN,	Sir THOMAS PARKER.
Viscount WEYMOUTH,	

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WHEREAS



WHEREAS the Governor and Commander in Chief of His Majesty's Island of *Tobago* in *America*, with the Council and Assembly of the said Island, did, in 1774 and 1775, pass Two Acts, which have been transmitted, intituled as follows; *viz.*

*An Act for the good Order and Government of Slaves; and for repealing an Act of this Island, intituled, An Act for the good Order and Government of Slaves, and for keeping them under proper Restraint; for establishing the Method of Trial in capital Cases; and other Regulations for the greater Security of that Part of the Inhabitants Property.*

*An Act for establishing a Court of Chancery in this Island.*

Which Acts, together with a Representation from the Lords Commissioners for Trade and Plantations thereupon, having been referred to the Consideration of a Committee of the Lords of His Majesty's most Honourable Privy Council, the said Lords of the Committee did this Day report as their Opinion to His Majesty, that the said Acts are fit to receive His Majesty's Royal Confirmation: His Majesty, taking the same into Consideration, was pleased, with the Advice of His Privy Council, to declare His Approbation of the said Acts; and pursuant to His Majesty's Royal Pleasure thereupon expressed, the said Acts are hereby confirmed, finally enacted, and ratified accordingly; whereof the Governor or Commander in Chief of His Majesty's said Island of *Tobago* for the Time being, and all others whom it may concern, are to take Notice, and govern themselves accordingly.

(Signed) W. BLAIR.

F I N I S.



























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